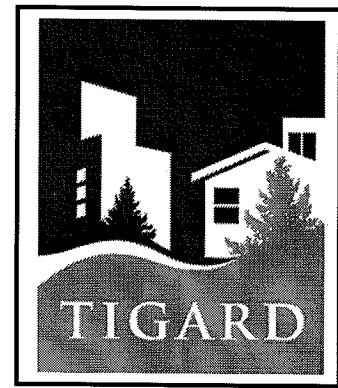




TIGARD CITY COUNCIL & LOCAL
CONTRACT REVIEW BOARD
MEETING

April 25, 2006 6:30 p.m.

TIGARD CITY HALL
13125 SW HALL BLVD
TIGARD OR 97223



PUBLIC NOTICE:

Anyone wishing to speak on an agenda item should sign on the appropriate sign-up sheet(s). If no sheet is available, ask to be recognized by the Mayor at the beginning of that agenda item. Citizen Communication items are asked to be two minutes or less. Longer matters can be set for a future Agenda by contacting either the Mayor or the City Manager.

Times noted are estimated; it is recommended that persons interested in testifying be present by 7:15 p.m. to sign in on the testimony sign-in sheet. Business agenda items can be heard in any order after 7:30 p.m.

Assistive Listening Devices are available for persons with impaired hearing and should be scheduled for Council meetings by noon on the Monday prior to the Council meeting. Please call 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

Upon request, the City will also endeavor to arrange for the following services:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the City of your need by 5:00 p.m. on the Thursday preceding the meeting by calling: 503-639-4171, ext. 2410 (voice) or 503-684-2772 (TDD - Telecommunications Devices for the Deaf).

SEE ATTACHED AGENDA

A G E N D A
TIGARD CITY COUNCIL MEETING
APRIL 25, 2006

6:30 PM

- STUDY SESSION

- > Update on City Hall Civic Studio
 - IT Staff
- > Amend Management Group Personnel Rules (See Consent Agenda Item 4.4)
 - Human Resources Staff
- > Discuss Police Patch/City Stationery
 - Police Chief and Administration Staff

- EXECUTIVE SESSION: The Tigard City Council will go into Executive Session to discuss pending litigation under ORS 192.660(2)(h). All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

7:30 PM

- 1. BUSINESS MEETING

- 1.1 Call to Order - City Council & Local Contract Review Board
- 1.2 Roll Call
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports
- 1.5 Call to Council and Staff for Non-Agenda Items

- 2. PROCLAMATION: BE KIND TO ANIMALS WEEK

- Mayor Dirksen

- 3. CITIZEN COMMUNICATION (Two Minutes or Less, Please)

- Tigard Area Chamber of Commerce Representative
- Follow-up to Previous Citizen Communication

4. CONSENT AGENDA: These items are considered to be routine and may be enacted in one motion without separate discussion. Anyone may request that an item be removed by motion for discussion and separate action. Motion to:

- 4.1 Approve Council Minutes for March 21 and 28, 2006
- 4.2 Receive and File the Annual Solid Waste Financial Report Findings
- 4.3 Approve Budget Amendment #11 to the FY 2005-06 Budget to Increase Appropriations in the Social Services/Community Events budget in the General Fund to fund a portion of the Tualatin National Wildlife Refuge Grand Opening Ceremony Resolution No. 06-__
- 4.4 Adopt Amendments to Management/Supervisory/Confidential Group Personnel Policies – Resolution No. 06-__.
- 4.5 Appoint Mitchell Brown to the Planning Commission; Appoint Patrick Harbison as First Alternate and Jeremy Vermilyea as Second Alternate to the Planning Commission – Resolution No. 06-__
- 4.6 Appoint Tony Tyner and Scott Deselle as Citizen Members and Betty Hagen and Dennis Sizemore as Citizen Member Alternates to the Tree Board – Resolution No. 06-__
- 4.7 Approve Intergovernmental Agreement with Washington County Cooperative Library Services for WILI (Washington County Interlibrary Information Network) Internet Filter
- 4.8 Local Contract Review Board
 - a. Award Contract to Dunn Construction for the Construction of the SW 93rd Avenue Sanitary Sewer (Sewer Reimbursement District No. 36)
 - b. Award Contracts to Century West Engineering Corporation, Group McKenzie, and W & H Pacific for Civil Engineering Services on an as-Required Basis

- *Consent Agenda - Items Removed for Separate Discussion: Any items requested to be removed from the Consent Agenda for separate discussion will be considered immediately after the Council has voted on those items which do not need discussion.*

5. PRESENTATION OF LIFESAVING AWARDS TO THREE CITIZENS RESPONSIBLE FOR SAVING THE LIFE OF AN AUTOMOBILE CRASH VICTIM WHOSE CAR WAS ON FIRE

- Staff Report: Police Department Staff

6. FIRST QUARTER GOAL UPDATE

- Staff Report: City Administration

7. ANNUAL VOLUNTEER PROGRAM HIGHLIGHTS PRESENTATION
 - Staff Report: City Administration
8. QUARTERLY UPDATE ON CURRENT STATUS OF THE EMERGENCY MANAGEMENT PROGRAM IN TIGARD
 - Staff Report: Public Works Staff
9. CONSIDER PURCHASE AGREEMENT FOR REAL PROPERTY ACQUISITION FOR 500-FOOT ZONE RESERVOIR NO. 2 SITE
 - Staff Report: Public Works Staff
 - Motion to approve Purchase Agreement and authorize City Manager to execute the document
10. PUBLIC HEARING (QUASI-JUDICIAL) TO CONSIDER ANNEXATION OF WILSON RIDGE NO. 2 (ZCA2005-00005)
 - a. Open Public Hearing
 - b. Declarations or Challenges
 - c. Staff Report: Community Development Staff
 - d. Public Testimony:
 - Proponents
 - Opponents
 - e. Staff Recommendation
 - f. Close Public Hearing
 - g. Council Consideration: Adopt Ordinance No. 06-_____
11. PUBLIC HEARING (INFORMATIONAL) TO CONSIDER RESOLUTION NO. 06-____ TO FINALIZE SANITARY SEWER REIMBURSEMENT DISTRICT NO. 33 (SW WALNUT STREET)
 - a. Open Public Hearing
 - b. Declarations or Challenges
 - c. Staff Report: Engineering Staff
 - d. Public Testimony:
 - Proponents
 - Opponents
 - e. Staff Recommendation
 - f. Close Public Hearing
 - g. Council Consideration: Approve Resolution No. 06-_____

12. COUNCIL LIAISON REPORTS

13. NON AGENDA ITEMS

14. EXECUTIVE SESSION: The Tigard City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions, as provided by ORS 192.660(4), but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

15. ADJOURNMENT

i:\admicath\ccat2006\060425p.doc

AGENDA ITEM # _____
FOR AGENDA OF April 25, 2006

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Follow Up Presentation to Council Incorporating City Logo into Police Patch.

PREPARED BY: Chief Dickinson DEPT HEAD OK *hmp* CITY MGR OK *CR*

ISSUE BEFORE THE COUNCIL

Presentation of the proposed Police shoulder patch designs for consideration.

STAFF RECOMMENDATION

Approve the new City logo design police patches.

INFORMATION SUMMARY

The City of Tigard adopted a new brand design which is being incorporated into all City design applications. The Police Department displays the City logo on its uniforms and police cars. The Police Department has been working to incorporate the new City logo into the uniform shoulder patch worn by all uniformed police personnel. Chief Dickinson will present the product of the Department's efforts to accomplish this task and seek the City Council's approval of the favored design.

OTHER ALTERNATIVES CONSIDERED

There will be alternative patch designs available for Council consideration.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Follow through on 2005 Council Goal - Graphic Identity.

ATTACHMENT LIST

No attachments

FISCAL NOTES

There are no direct costs. The new patches will be phased in on a replacement basis as old uniforms are replaced with new.

PROCLAMATION

Be Kind to Animals Week

WHEREAS, Oregonians benefit tremendously from our animal friends, who give us companionship and great pleasure in our daily lives; and

WHEREAS, we have a firm responsibility to protect these fellow creatures from need, pain, fear and suffering; and

WHEREAS, we recognize that teaching attitudes of kindness, consideration and respect for all living things through humane education in the schools and the community helps to provide the basic values on which a humane and civilized society is built; and

WHEREAS, we are deeply indebted to the Oregon humane societies for over 100 years of invaluable service in caring for homeless animals, instilling humane values in our children through education programs, and promoting a true working spirit of kindness and consideration for animals in the hearts and minds of all people; and

WHEREAS, we depend greatly upon our animal control agencies, veterinarians and other organizations that provide humane care for animals; and

WHEREAS, May 1 – 7, 2006 is set aside to observe nationally the philosophy of kindness to animals.

NOW THEREFORE BE IT RESOLVED THAT I, Mayor Craig Dirksen of the City of Tigard, Oregon, do hereby proclaim the week of May 1 – 7, 2006 as

Be Kind to Animals Week

in Tigard, Oregon and urge our citizens, businesses and organizations to join in this observance.

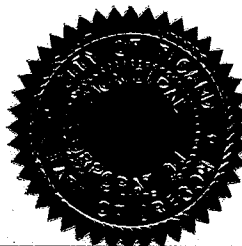
Dated this _____ day of _____ 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Tigard to be affixed.

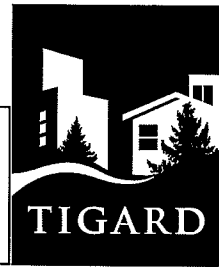
Craig E. Dirksen, Mayor
City of Tigard

Attest:

City Recorder



Agenda Item No. _____
For Agenda of _____



Tigard City Council Meeting Minutes

Date: March 21, 2006
Time: 6:30 p.m.
Place: Tigard City Hall, 13125 SW Hall Boulevard
Tigard, Oregon
Attending: Mayor Craig Dirksen Presiding
Councilor Sally Harding
Councilor Sydney Sherwood
Councilor Nick Wilson
Councilor Tom Woodruff

Agenda Item	Discussion & Comments	Action Items (follow up)
Workshop Meeting	<p>1.1 Mayor Dirksen called the City Council to Order at 6:30 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Harding, Sherwood, Wilson, and Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications & Liaison Reports</p> <p>Mayor Dirksen reported that several City Council members met last week in Washington D.C. with Congressional leaders and delegates from other jurisdictions. It was noted that these meetings appeared to be valuable in furthering the City of Tigard's interests for the future.</p> <p>Councilor Harding noted she attended a recent D.A.R.E. graduation at Templeton Elementary School. School officials thanked the City of Tigard for its support.</p> <p>Mayor Dirksen advised that the Youth Advisory Summit was held last week. The Summit was attended by 50 high school and middle school students and focused on drug abuse. Speakers included young people talking</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>about the affect that drug abuse has had in their lives. Mayor Dirksen extended his thanks to Assistant to the City Manager Newton and supporters of "Tigard Turns the Tide."</p> <p>1.5 Call to Council and Staff for Non-Agenda Items</p> <p>See Agenda Item No. 9.</p>	
<p>2. Joint Meeting with Budget Committee – Staff Response to Financial Strategy Task Force Report Recommendations</p>	<p>Staff Presenters: Finance Director Sesnon; Financial Operations Manager Imdieke</p> <p>The following information was reviewed:</p> <ul style="list-style-type: none"> - Review of proposals for development of a comprehensive communication plan to provide information on the results of the performance audits, property tax rate education and information, how efficient the City is in providing services, and how City services are actually funded. - A comparison analysis of tax rates on assessed property only (ad valorem taxes) with fire and park districts included, where appropriate. A similar chart will be published in the May edition of the Cityscape. - Discussed franchise fees and how the City of Tigard compares. City Manager Prosser indicated the City, as well as the League of Oregon Cities, had previously prepared this comparative information. - Recommendation to prepare a "Budget in Brief" document, which is condensed into a format that is interesting and understandable. This document would be published after Budget adoption. - Discussed the performance audit that is planned for key areas/programs, especially those in the General Fund. This is the right direction to take; however, it should not become an "exercise in validation." The proposed budget will include an amount to fund the audit. It was suggested to have 	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>continuing citizen involvement consisting of individuals who will be involved in the audit process (advisory).</p> <ul style="list-style-type: none"> - Goals and objectives of the Finance Department will include a process review for procurement. - Further efficiencies by identifying duplicative efforts. - Continue adjusting fees and charges to recover costs. - Seek City Council support of any reasonable County tax measure that would bring additional revenue to the City. - Maximize grant revenues and the City's share of revenues from other agencies (State, County, Clean Water Services). - Any local option levy should capture the cost of the program or service as well as the cost of all related support services and overhead. There was discussion on the result if a levy is passed initially and then not renewed by the voters; hence, programs/services/administration overhead would all "go away." - Develop and pursue corporate/private sector funding or sponsorship of programs and projects when possible. - Continue to pursue cooperative agreements with other agencies. At a recent meeting with the School District, officials identified 20 ways to work together. - Consider outsourcing by contracting with private providers for services. - Analyze future financial impact of new program initiatives, capital acquisitions, and construction projects. Staff will show five-year projections of financial impacts. 	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<ul style="list-style-type: none"> - Grants were discussed. When applying for grants, consider how much must be matched by the City. Also, the grant should fund a program the City has already identified (relates to established goals). It was noted, however, that grants are often "opportunity-driven." - Discussed how grant revenues are tracked. A special audit is triggered if the City expends more than \$500,000 of federal funds in a fiscal year. - Councilor Woodruff requested to see information about "tracking of grants overall." - Councilor Harding suggested a volunteer be sought to track the available grants; i.e., from the League of Oregon Cities "Grant Station." - Agreement among Budget Committee members that the overall approach to a local option levy should be considered carefully. - Discussion on offering voters the opportunity to vote on individual projects or programs thereby providing a direct link to taxes and services. Terminology applied to such a proposal included "ala carte taxes" or "cafeteria taxes." It was noted that this was submitted as a strategy to consider, although, it might be difficult to implement. 	
<p>3. Proposed Capital Improvement Program Projects for 2006-07</p>	<p>Staff Presenter: City Engineer Duenas</p> <p>The PowerPoint presentation overview is on file in the City Recorder's office. The overview included:</p> <ul style="list-style-type: none"> - Formulation Process - Program Areas - Priorities for FY 2006-07 - Proposed Projects - Tigard Downtown Projects - Citywide Projects <p>There was discussion on the following:</p> <ul style="list-style-type: none"> - Senior Center Remodel/Seismic Upgrade; look at applying for a grant; this is a time-sensitive 	<p>Staff will follow up with representatives from the</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>project. Discussed looking at other alternatives for a senior center such as the adjacent church's property, which might be relocating.</p> <ul style="list-style-type: none"> - Hall Boulevard/99W Project; discussed the possibility of the City participating in this County project. Also discussed potential purchase of property to incorporate a median to serve as a pedestrian refuge on 99W. - Reviewed additional street projects, including: <ul style="list-style-type: none"> - 108th/Durham Road intersection signalization - Wall Street improvements, including removing one pond and realigning Pinebrook Creek - Tigard/Tiedeman intersection improvements. There might be an opportunity for additional transportation improvements if one of the railroad tracks is removed. Perhaps if one railroad crossing is closed, there might be an opportunity to add a crossing at Ash Avenue. There was discussion about problems associated with the railroad transportation system within the City and a need to address the system of trains and signals. - The bridge/viaduct at 99W might be replaced, representing another opportunity to resolve some Tigard transportation issues. - Skate Park funding was reviewed. The City will apply again for a state grant. This time the City will make some assurances about the amount it will match if the grant is awarded. - It was noted the pedestrian barricade at Hall/Fanno Creek bridge needs to be repaired. - Water supply projects were reviewed, including the City's participation in projects as a partner with the Joint Water Commission. 	<p>adjacent church property to determine about potential senior center facility.</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<ul style="list-style-type: none"> - Funding for land acquisitions will be set aside over several fiscal years. - CIP projects scheduled for one year, but not completed, will be carried forward to the next fiscal year. 	
<p>4. Downtown Capital Improvement Project Priorities/Budget</p>	<p>Staff Presenter: Senior Planner Nachbar</p> <p>The PowerPoint overview, "Capital Improvement Priorities and Strategy for the Downtown" was presented to the City Council.</p> <p>Three strategic goals and action plans for these goals were reviewed:</p> <ol style="list-style-type: none"> 1. Stimulate new development to generate "tax increment" revenues. Redevelopment potential was discussed. 2. Assist Main Street as it transitions to a more dynamic commercial district. Support of a pedestrian-oriented commercial district and a visually attractive and safe streetscape was discussed. The unknown impact of the Commuter Rail on some of the properties was noted. Over time, it is anticipated that land uses will change. 3. Capitalize on Fanno Creek Park as a key public gathering space and amenity for new development. The first step is to produce a new Master Plan for the Park. The Park will be used to strengthen the marketability and value of projects for developers and create important civic spaces for the community. Redevelopment projects will be pursued that have a public space, park or plaza as a part of the project to develop public support. <p>While the Urban Renewal Plan does not include the use of condemnation, agreements with property owners would be considered.</p> <p>Capital improvement priorities and the budget for downtown were reviewed. Projects were ranked</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>according to criteria in an attempt to be more objective and review projects critically. Identified projects also relate to the goals for the downtown.</p> <p>During the discussion of the budget review, it was noted the \$100,000 figure for land acquisition was based on the assumption that the land to be acquired is located in the floodplain and has no development value. At this time, there is no commitment to any design for Burnham Street as this will be discussed by the Council later. A work program is being prepared to identify and implement potential Development Code changes.</p> <p>Some of the older properties have substandard parking facilities. It might be possible to work with Clean Water Services to reduce some of the setback requirements near the creek. Mayor Dirksen noted some downtown parking requirement adjustments to the Code have already been adopted. Having regulations in place to accommodate business that might want to locate in the downtown will be key.</p>	
<p>5. Joint Meeting with the Intergovernmental Water Board (IWB) to Discuss Participation in the Expansion and Modification of the Willamette River Water Supply</p>	<p>Staff presenter: Public Works Director Koellermeier</p> <p>IWB Members present: Patrick Carroll, Beverly Froude, Bill Scheiderich; Councilor Woodruff is the City Council liaison to the IWB.</p> <p>Also present was Mark Knudson of Carollo Engineers, the engineering consultant for Sherwood and the Tualatin Valley Water District (TVWD).</p> <p>The City of Tigard continues to work on securing a long-term water source by exploring all options. The City is a member of the Willamette River Water Coalition (WRWC), which was formed to preserve access to the Willamette River as a potential municipal and industrial water source. This is not to say that all members of the coalition plan to utilize the Willamette River as a water source, but rather they are committed to</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>preserving access to this option.</p> <p>According to the WRWC agreement, any member deciding to expand or modify the Willamette River water supply system is required to provide fellow members with 90-day notice to give other members the opportunity to participate in the proposed expansion. Tigard has received such notices from the City of Sherwood and TVWD.</p> <p>Council received an outline of key points of this matter; a copy is on file in the City Recorder's office. Estimates for the extent and estimated costs for a potential Tigard participation were also reviewed in the outline.</p> <p>During discussion points included:</p> <ul style="list-style-type: none"> ◆ TVWD has invested in the Willamette River water treatment plant to varying degrees. ◆ There are 115 million gallons/day (mgd) remaining for intake capacity at the Willamette River water treatment plant. ◆ TVWD is considering the Willamette River water supply because of uncertainty about the cost and ability to purchase water from the City of Portland. It appears now that Portland might be willing to negotiate a 10-year agreement. TVWD will continue to consider the Willamette River source. ◆ There is an opportunity for the City of Tigard to consider buying capacity in the Willamette River water system through participation in paying for part of the regional transmission system. ◆ The costs for Tigard's participation were reviewed. (See outline.) ◆ City of Tigard continues to work with Lake Oswego on a joint project also. Pipelines will need to be built for this project, which will be longer than the pipelines for the Willamette River supply would be. ◆ Portland might offer Tigard a ten-year contract; although, the City of Tigard has not received anything from Portland. If a ten-year contract is mutually agreeable, this will give 	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>Tigard more time to consider how to address its other potential water source options.</p> <ul style="list-style-type: none"> ◆ A contract with Portland does not offer the opportunity to own infrastructure. ◆ One option might be to approach this incrementally; that is to install a pipeline now for use later. ◆ Blended water (water from two different sources such as the Joint Water Commission and the Willamette River) would not happen because of the hydraulics of the system. ◆ As a consideration, the City needs to look at long-term investment now because if the City does not buy-in now, the water system will not be sized for larger capacity needs in the future. ◆ Intake capacity would also need to be increased if the City went with the Lake Oswego option. ◆ Capacity from the Willamette River is such that it could be the sole option for water. ◆ Pursuing multiple sources maintains potential options. ◆ Discussed the concerns to commit to the Willamette River pipeline. The options for Tigard are unfolding at this time, yet complete information for all of them is not available. ◆ The City needs to make a decision about the Willamette River water option in May. ◆ Lake Oswego has the potential to provide 15 mgd and when accompanied by use of wells and water from Portland, Tigard would have enough water for the next 20 years. Worst case, if the City of Portland backs away from a ten-year agreement, the City of Tigard would need to enter into a "bridge" contract with Portland until other sources can be developed. ◆ There was mention of Areas 63 and 64 in the urban growth boundary and the future significant water needs for this area. ◆ There is a need for each of the agencies represented in the IWB to review the options. ◆ TVWD has an ordinance in effect that says it will check-in with their voters before they go forward with water from the Willamette River. There is still much planning to do. Other issues include acquiring right-of-way, obtaining 	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>permits and addressing environmental issues.</p> <ul style="list-style-type: none"> ♦ There was mention that if the City of Bull Mountain is formed, they would need to work through issues to demonstrate their ability to provide water. Assets that belong to the Water District would be transferred. ♦ The Lake Oswego source would require pumps. <p>Recommended procedure for City of Tigard:</p> <ul style="list-style-type: none"> ♦ Use the month of April to allow time for the Intergovernmental Water Board to discuss this matter. ♦ City Council will review again; tentatively scheduled for April 25, 2006. 	
<p>6. Council Input on the Draft 2008-2011 STIP (State Transportation Improvement Program)</p>	<p>Staff Presenter: City Engineer Duenas</p> <p>The PowerPoint presentation overview is on file in the City Recorder's office.</p> <p>City Engineer Duenas reported that a resolution has been prepared advising the state that the City supports certain projects for the 2008-2011 STIP.</p> <p>Councilor Wilson commented that Metro has acknowledged the importance of Highway 99. It appears from the proposed list that the projects for this region are sparse; a large share of the funding is being funneled toward Highway 26. Growth identified for jobs and for residential development for the next ten years is not occurring in the same locations.</p> <p>Council members indicated their support for the overpass replacement on Highway 99W and pavement overlay on Hall. City Council members talked about contribution by the City of Tigard to the projects, and if this would mean Tigard could give input on the scope and design. Support was also expressed for the I-5 project.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
9. Non Agenda Items	<p>City Council and City Manager Prosser discussed the fact that no tentative date has been set for the joint meeting with the School District Boards and the City Councils of neighboring jurisdictions. City Council agreed staff should continue to pursue a date for this meeting.</p> <p>Councilor Harding suggested that CIP be referred to as "Capital Investment Program." City Council members concurred that this was a good idea.</p>	
10. Executive Session.	Not held.	
11. Adjournment	10:17 p.m.	<p>Motion by Councilor Woodruff, seconded by Councilor Harding, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Wilson Yes Councilor Woodruff Yes</p>

Attest:

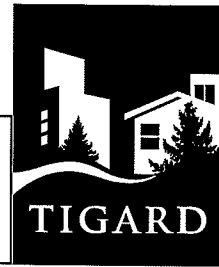
Catherine Wheatley, City Recorder

Mayor, City of Tigard

Date: _____

i:\adm\cathy\ccm\2006\060321.doc

Agenda Item No. _____
For Agenda of _____



Tigard City Council Meeting Minutes

Date: March 28, 2006
Time: 6:30 p.m.
Place: Tigard City Hall, 13125 SW Hall Boulevard
Tigard, Oregon
Attending: Mayor Craig Dirksen Presiding
Councilor Sally Harding
Councilor Sydney Sherwood
Councilor Tom Woodruff
Absent: Councilor Wilson

Agenda Item	Discussion & Comments	Action Items (follow up)
Study Session	<p>> Police Holding Facility Tour and Audit</p> <p>The Mayor and Council toured and inspected the Police Department temporary holding facility as recommended during a recent audit by the State Department of corrections. The State inspection report is on file in the City Recorder's office.</p> <p>> Review of Fiscal Year 2006-07 Community Event Funding Requests</p> <p>Staff presenter: Finance Director Sesnon.</p> <p>City Council reviewed the applications for Community Event Grants, which are on file in the City Recorder's office.</p> <p>According to the funding policy of the Budget Committee set in prior years, \$49,400 is available for these requests. The applications received total \$48,400.</p> <p>Council members discussed the application grants. Below are key points of the discussion:</p> <ul style="list-style-type: none">♦ There was discussion about concerns regarding the Balloon Festival which is now charging the Caring Community \$2500 for tent rental in addition to a surcharge to those	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>attending the fundraising event. Council consensus was to ask event organizer Dave Nicoli, to attend an upcoming Council meeting to discuss the Festival's budget and charges for the event. There was brief discussion about the amount of the City's contribution including the in-kind support from the Police and Public Works Departments.</p> <p>The Balloon Festival is one of the city-sponsored events for which there is a sponsorship agreement. In order to change City funding, the agreement states that one year's notice must be given.</p> <ul style="list-style-type: none"> ◆ 4th of July – This is a free family event. ◆ Tualatin Riverkeepers – During discussion, it was noted that this organization has filed legal actions against the City. It was agreed that such activity should be reviewed and a report given to the Budget Committee before final funding commitment of the grant requested. Staff was also requested to find out what other jurisdictions are contributing to the Riverkeepers. ◆ The Chamber of Commerce requested funds for a Leadership Institute. The understanding was that this Institute would augment the City's program. More information about how much the Chamber would charge participants was requested by the City Council to be included as part of the presentation information for the Budget Committee. <p>> Regulation of Payday Lending Businesses</p> <p>Staff presenter: Finance Director Sesnon</p> <p>Mayor Dirksen requested that staff research and bring forward for City Council discussion possible regulations for payday lending businesses within the City of Tigard. The staff report to the City Council outlined the activity of these lending businesses, the inaction at the</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>state level to adopt regulations, and how some municipalities have enacted ordinances to regulate these businesses within their jurisdictions. The City of Portland, which enacted an ordinance to regulate this type of business, has been sued by one of the businesses affected. After discussion, City Council consensus was for staff to monitor what the result is in other jurisdictions with regard to legal challenges. City Attorney Firestone advised it is likely there will be a trial court decision within the next year.</p> <p>> Discuss Action to Terminate the Urban Services Intergovernmental Agreement with Washington County. (See agenda Item No. 9). Staff will advise Council on the background of the Urban Services Agreement and why a change is now being recommended.</p> <p>> City Attorney Firestone noted that if public comment is offered on a possible application for a Wal-Mart store at a Tigard location, Council members will need to declare any information they hear as an ex parte contact if this matter should, in the future, come before the Council during a land use hearing. City Manager Prosser advised that there has been speculation about a Wal-Mart store locating in Tigard, but City officials do not know for certain if it is a Wal-Mart.</p>	
Study Session – Administrative Items	<p>> Items for Tonight’s Business Meeting</p> <ul style="list-style-type: none"> - A revised agenda was distributed with the following changes noted: <ul style="list-style-type: none"> - Added 1.5 – Status Community Attitude Survey and Schedule Meeting – A Special City Council Meeting will be held on April 4, 2006, to discuss the survey. - Added 9 – Discussion of Urban Services Intergovernmental Agreement - Revised Packet Materials <ul style="list-style-type: none"> - Item 3.5 – Attached is a revised 	

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>Resolution for the Skate Park Grant Application. The 4th "Whereas" clause now reads: "WHEREAS, the City Council selected the City Hall parking lot area as the preferred City-owned site valued at \$195,000; and"</p> <p>> Procedure for City Manager Review – Councilor Sherwood and Councilor Woodruff are reviewing formats and examples for evaluations and will present a proposal to the Mayor and Council. Councilor Harding requested to review all the forms. The City Manager Review is tentatively scheduled for April 25, 2006.</p> <p>> Chamber Shining Stars Banquet RSVP: Mayor Dirksen (2); Councilor Sherwood (1); Councilor Harding (1); Councilor Woodruff (2). Also attending Police Chief Dickinson (1).</p>	
	Study Session concluded at 7:25 p.m.	
Business Meeting	<p>1.1 Mayor Dirksen called the City Council, the Local Contract Review Board, and the City Center Development Agency to Order at 7:30 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Harding, Sherwood, and Woodruff. Council Absent: Wilson</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications & Liaison Reports</p> <p>Councilor Sherwood mentioned we are in the process of redoing the Comprehensive Plan.</p> <p>1.5 Status Report of Community Attitude Survey</p> <p>Councilor Sherwood noted that a firm has been chosen to conduct a Community Attitude Survey, which will be used to find out what people want. The Council will be meeting in the next week to help formulate survey questions.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>2. Citizen Communication</p>	<p>2.1 Tigard High School Student Envoy Krista Foltz gave a report on recent and future activities. A copy of report highlights is on file in the City Recorder's office.</p> <p>2.2 Pam Brown, representing the Tigard Chamber of Commerce noted that their Shining Stars Banquet will be held at Crown Plaza from 6-9 p.m. on April 21. Ms. Brown asked the Council for their support of Oregon Army National Guard's 41st Brigade Combat Team, being mobilized for active duty. The American Legion Post 158 and the VFW have given their support. Mayor Dirksen read and presented a Proclamation Adopting the Headquarters and Headquarters Company 41st Brigade Combat Team for the purpose of helping to generate local support from Tigard area businesses and citizens for the soldiers and families of this unit. The American Legion gave the City a Blue Star Flag in honor of the 41st Brigade.</p> <p>2.3 City Attorney Ramis cautioned that citizen comments at this point in the meeting are limited to items not on the agenda. He asked that those wishing to address a particular issue hold their comments until the agenda item comes up. If anyone wants to speak on a particular land use issue, their comments to the Council now would be considered ex parte communication and Council has been advised not to speak on those topics.</p> <p>Sue Bielke, of 11755 SW 114th Place, Tigard, OR 97223, spoke about her concern that not enough citizens are involved in the comprehensive plan update or are educated about how to get involved. She said there may not be enough citizen input. Mayor Dirksen pointed out that the members of the Planning Committee are citizens of Tigard. He suggested that people read the Cityscape. Ms. Bielke said she was glad the City is doing a survey. Councilor Sherwood noted that Council has asked for a complete update of the</p>	<p>Report/no action</p> <p>Councilor Harding asked staff to report to the Council whether any City employees have been called to active guard duty.</p> <p>The Blue Star Flag will hang in the window of the City Hall lobby.</p>

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>plan this year. They have just started and there is citizen involvement planned. She said people will hear more about this as the year progresses.</p> <p>Representative Larry Galizio, of 16455 SW 93rd Avenue, Tigard, OR 97224, expressed concern about a pre-application submittal for a large retail store. He said he believed this proposed site is for a Wal-Mart but their strategy is not to put their name on the application. He wrote a letter to Wal-Mart's corporate leadership asking for confirmation but has not yet received a reply. He said he has formed a new group, "Tigard First," to seek honest answers and help make informed choices. He urged the City Council to take steps, before this application becomes final, to get more public input. He is very concerned about the impacts on traffic, small businesses, the environment, health care, as well as Tigard's proposed downtown revitalization. He asked the Council to take action now and look at the effects of these big box stores and demand more time for public scrutiny.</p> <p>Councilor Harding agreed that the Council does have responsibilities before them but on the other hand, Measure 37 must be factored in. She asked for his help in the state legislature fixing Measure 37.</p> <p>Mayor Dirksen said development of any kind is worthy of close scrutiny. He said the city has not spoken to Wal-Mart or anyone who is representing Wal-Mart.</p> <p>John Frewing signed up to speak but was not present. Sue Bielke turned in his written comments to the City Attorney. The City Attorney said the issue he signed up for already had a public hearing so his comments received tonight will not be entered into the public record.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
3. Consent Agenda	3.1 Approve Council Minutes for February 14 and 21, 2006	<p>Motion by Councilor Sherwood, seconded by Councilor Woodruff to approve the Consent Agenda with the revised Agenda Item 3.5.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Woodruff Yes</p>
	3.2 Approve City Center Development Agency Minutes from February 21, 2006	Approved
	<p>3.3 Appoint New Members to the Building Appeals Board: Michael Kringlen, Doug Colling, Jeff Jurrens, Eric Watson, Gerald McKee, and Alan Mitchell – Resolution No. 06-12</p> <p>RESOLUTION NO. 06-12 – A RESOLUTION OF THE TIGARD CITY COUNCIL APPOINTING MICHAEL KRINGLEN, DOUG COLLING, JEFF JURRENS, ERIC WATSON, GERALD MCKEE AND ALAN MITCHELL TO THE TIGARD BUILDING APPEALS BOARD</p>	Approved
	3.4 Approve Library Policies	Approved
	<p>3.5 Approve Submission of a Grant Application to Obtain Matching Funds to Construct the Jim Griffith Memorial Skate Park</p> <p>RESOLUTION NO. 06-13 – A RESOLUTION AUTHORIZING THE SUBMITTAL TO THE OREGON PARK AND RECREATION DEPARTMENT (OPRD) AN APPLICATION FOR STATE FUNDS AVAILABLE THROUGH THE STATE OF OREGON'S LOTTERY LOCAL</p>	Approved

Agenda Item	Discussion & Comments	Action Items (follow up)
	GOVERNMENT GRANT PROGRAM AS A MEANS FOR PROVIDING MATCHING FUNDS TO CONSTRUCT THE JIM GRIFFITH MEMORIAL SKATE PARK	
	3.6 Appoint Carol Krager as Deputy City Recorder RESOLUTION NO. 06-14 – A RESOLUTION OF THE TIGARD CITY COUNCIL APPOINTING CAROL KRAGER AS DEPUTY CITY RECORDER	Approved
	3.7 Local Contract Review Board a. Award Contract to Morse Brothers, Inc., for the Construction of the Fiscal Year 2005-06 Pavement Major Maintenance Program (PMMP) – Phase 2 b. Award Contract to NW Kodiak Construction for the Construction of Highland Drive Storm Drainage Improvements	Approved
4. Public Hearing - 2006 U.S. Dept. of Justice/ Edward D. Byrne Memorial Justice Assistance Grant (JAG)	PUBLIC HEARING – 2006 US DEPARTMENT OF JUSTICE/EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) Mayor Dirksen opened the public hearing. Police Chief Dickinson reported that the city is eligible to receive \$12,001. Holding a Public Hearing is a condition of accepting these grant funds. The Police Department recommends that the funds be used for cellular air cards which will improve service to all parts of the city, which they are presently experiencing some difficulty reaching, through WCCCA. Additionally, these air cards would enable the department to transmit photos to officers in the field. Councilor Woodruff commented that the biggest expense is the monthly air time. He asked if this grant only pays for the first 12 months. Chief Dickinson said it could, but the city has received this grant every year. He said they could compare what is being paid to WCCCA and the service the city is receiving from them. When asked by Councilor Harding if the grant could be used for anything else, Chief Dickinson said they do have the opportunity to change their minds. He discussed current	Motion by Councilor Woodruff, seconded by Councilor Sherwood to approve the grant application. The motion was approved by a unanimous vote of Council present. Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Woodruff Yes

Agenda Item	Discussion & Comments	Action Items (follow up)								
	<p>WCCCA upgrade activity.</p> <p>As no one had signed up to speak, Mayor Dirksen asked those present if there was anyone wishing to offer public testimony. There was none.</p> <p>Mayor Dirksen closed the public hearing. Councilor Woodruff advised caution with using grants for on-going obligations.</p>									
5. Further Consideration and Deliberation of a Resolution Adopting Additional Findings and Imposing an Additional Condition for the LUBA Remand of Ash Creek Estates Subdivision	<p>The City Attorney noted that after the Land Use Board of Appeals deliberated this item, staff prepared comments reflecting those findings and an additional condition. The staff recommendation is to approve Resolution 06-15.</p> <p>RESOLUTION NO. 06-15 – A RESOLUTION AND FINAL ORDER SUPPLEMENTING RESOLUTION 06-09 APPROVING THE ASH CREEK ESTATES SUBDIVISION (SUBDIVISION (SUB) 2003-00010/ PLANNED DEVELOPMENT REVIEW (PDR) 2003-00004/ZONE CHANGE (ZON) 2003-00003/SENSITIVE LANDS REVIEW (SLR) 2003-00005/ADJUSTMENT (VAR) 2003-00036/ADJUSTMENT (VAR) 2003-00037) – ON REMAND FROM LUBA; AND ADOPTING ADDITIONAL FINDINGS AND IMPOSING AN ADDITIONAL CONDITION</p>	<p>Motion by Councilor Woodruff, seconded by Councilor Sherwood to adopt Resolution No. 06-15.</p> <p>The motion was approved by a 3-1 vote of the Council present</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>No</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	No	Councilor Sherwood	Yes	Councilor Woodruff	Yes
Mayor Dirksen	Yes									
Councilor Harding	No									
Councilor Sherwood	Yes									
Councilor Woodruff	Yes									
6. Formation of Sanitary Sewer Reimbursement District No. 36 (SW 93 rd Ave.)	<p>Mayor Dirksen opened the public hearing. The City Attorney asked for any declarations or challenges. City Engineer Duenas presented a report on formation of this sewer reimbursement district. He noted that this will be constructed this summer. The updated budget estimate is \$506,305. Two lots are too deep to be served by this line. In response to a question from Councilor Harding, City Engineer Duenas advised the budget estimate was based on the soils report and engineering fees have been added.</p> <p>Councilor Sherwood asked about two lots unable to be served by this line. Mr. Duenas said one could gain access to sewer from another street. He notified the other property owner but did not receive a</p>	<p>Motion by Councilor Sherwood, seconded by Councilor Woodruff to adopt Resolution No. 06-16.</p> <p>The motion was approved by a unanimous vote of the Council present</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Woodruff	Yes
Mayor Dirksen	Yes									
Councilor Harding	Yes									
Councilor Sherwood	Yes									
Councilor Woodruff	Yes									

Agenda Item	Discussion & Comments	Action Items (follow up)								
	<p>response.</p> <p>Councilor Woodruff asked if any property owners of this proposed district were in attendance and several people stood. He asked Mr. Duenas to make sure we let them know what the next step is and keep them informed.</p> <p>Larry Caufield, 9145 SW Mountain View Lane, Tigard, asked how long construction would take. Mr. Duenas replied that it would take 45 days after the bid is awarded and the pre-construction meeting takes place. Mr. Caufield asked what the amount of the contingency was. Mr. Duenas said there was 15% for contingencies and 13 ½% was added for administration and engineering fees.</p> <p>There being no further public testimony, Mayor Dirksen closed the Public Hearing.</p> <p>RESOLUTION NO. 06-16 – A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 36 (SW 93RD AVENUE)</p>									
7. Express Support to Include Certain Key Projects in the 2008-2011 State Transportation Improvement Program (STIP)	<p>City Engineer Duenas gave a PowerPoint presentation on ODOT's STIP (State Transportation Improvement Program) project categories and list of projects. He highlighted those projects listed that will benefit Tigard:</p> <ul style="list-style-type: none">• I-5 SB/I-205 merge acceleration lane• I-5 Wilsonville interchange• Hall Blvd. paving (the section from Scholls Ferry to Durham Road especially)• Hwy 99 railroad bridge (current bridge is not designed for overweight loads and does not meet seismic requirements). The city can get involved in the design especially pier spacing and the potential for aesthetic improvement) <p>Councilor Harding noted that we have received support from other jurisdictions for ODOT projects that benefit Tigard.</p>	<p>Councilor Sherwood motioned to approve Resolution No. 06-17 and Councilor Harding seconded the motion.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Woodruff	Yes
Mayor Dirksen	Yes									
Councilor Harding	Yes									
Councilor Sherwood	Yes									
Councilor Woodruff	Yes									

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>RESOLUTION NO. 06-17 – A RESOLUTION PROVIDING CITY COUNCIL INPUT INTO THE DRAFT 2008-2011 STIP (STATE TRANSPORTATION IMPROVEMENT PROGRAM) AND EXPRESSING STRONG SUPPORT FOR INCLUSION OF CERTAIN KEY PROJECTS IN THE FINAL STIP</p>	
<p>8. Presentation on the City's Participation in the Healthy Streams Plan</p>	<p>Surface Water Quality/Volunteer Coordinator Staedter gave a PowerPoint presentation on Tigard's participation in the Healthy Streams Plan. She discussed the City's targeted goals relating to tree planting, outfalls and culverts. Benefits of healthy stream practices in the Tigard area include improved fish habitat and passage, stream structure stabilization, erosion control, and stream bank protection. She reported that 125 community volunteers planted 1,250 trees on March 4, 2006.</p> <p>She wanted to alert the Council to a future item for the next business meeting. There will be consideration of an Intergovernmental Agreement with Clean Water Services for a large restoration on Fanno Creek. Councilor Woodruff thanked her for the report and for her passion about taking care of the environment.</p> <p>Mayor Dirksen also expressed his appreciation and said it was a tribute to the community that such a large number of citizen volunteers came out to plant trees this winter.</p>	
<p>9. Consider Action to Terminate the Urban Services Intergovernmental Agreement with Washington Co.</p>	<p>Interim Community Development Director Coffee gave historical background on the Intergovernmental Agreement between Washington County and Tigard that allowed Tigard to provide development review, building inspection services and road maintenance to the unincorporated area of Bull Mountain. Properties have been annexed, mostly contiguous with Tigard, but a few were not contiguous. Some projects have been controversial.</p> <p>At the time the IGA was drawn up, Washington County acknowledged that accessibility to services in Tigard would be closer for this area than</p>	<p>Motion by Councilor Woodruff, seconded by Councilor Sherwood to direct staff to notify Washington County that the Tigard City Council wishes to terminate the existing Urban Services Intergovernmental Agreement and to work with Washington County officials to determine if modifications could be made for terms of a new</p>

Agenda Item	Discussion & Comments	Action Items (follow up)								
	<p>Washington County, which is located in Hillsboro. Washington County also assumed that this area, located in the urban growth boundary, should eventually annex to Tigard and the County would not oppose this annexation. At this time, most developable land is developed and most lots are subdivided.</p> <p>Washington County discussed terminating or amending this agreement at their workshop meeting, attended by City Manager Prosser and Interim Community Development Director Coffee, who delivered a draft letter from Mayor Dirksen. The County will be making a decision tonight on this matter as 90-day's notice must be given to terminate and the agreement ends or is extended in July.</p> <p>City Manager Prosser referred to a letter written to Washington County by the Friends of Bull Mountain, dated February 24, 2006. A copy was not sent to the City but Washington County provided one to the City Manager. He said this letter contained several points that are factually incorrect and he clarified those points below.</p> <p>The letter indicated that Tigard withheld building and occupancy permits - it did not. There was one instance where an occupancy permit was withheld. for Alberta Rider School because the project manager needed to obtain building permits. He said the letter stated that Tigard collected System Development Charges and didn't account for them. He said that is absolutely incorrect. Concerns were expressed in the letter that Tigard collected traffic impact fees (TIF's) and used them to make improvements within the City. In fact, the City has done that (with the approval of the County) on those roads that serve Bull Mountain and help residents access their residential areas and travel to areas within the City. Accounting for these funds was provided to the Friends of Bull Mountains numerous times.</p> <p>The letter stated that Tigard disregarded the requirements of the Bull Mountain Community Plan. City Manager Prosser said if you look at the development pattern on Bull Mountain you will see</p>	<p>agreement.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Woodruff	Yes
Mayor Dirksen	Yes									
Councilor Harding	Yes									
Councilor Sherwood	Yes									
Councilor Woodruff	Yes									

Agenda Item	Discussion & Comments	Action Items (follow up)
	<p>that it has developed as provided in the plan. High density areas are located on the lower part of the mountain and less density on the upper part. He said they are concerned that the City has not provided parks. This is part of a larger issue and as Council is aware, the City has developed a list of properties it is pursuing.</p> <p>He said the Friends stated that termination of the IGA would prevent future annexations. That is incorrect. As property owners continue to come to the City and voluntarily request annexation, it will continue to process those requests. He said this IGA has no effect on annexation.</p> <p>The Washington County Commissioners' meeting tonight was attended by Assistant to the City Manager Newton. She reported the County had voted to provide written notice of termination of the Urban Services Intergovernmental Agreement to the City of Tigard, effective July 1, 2006; and that the County desires to enter into negotiations with the City about a possible modified agreement.</p> <p>Ms. Newton said the Commissioners focused on the positive partnerships between Tigard and Washington County and that this did not imply any criticism of the City of Tigard.</p> <p>Councilor Harding expressed concerns about the process used to reach the agreement to terminate. She would have liked all parties concerned to meet on this at the same time.</p> <p>Councilor Sherwood said the City needs to focus on our Comprehensive Plan and urban renewal; things going on in our own city.</p> <p>Councilor Harding said she would like to see Tigard be the best it can be, living within its boundaries. She noted the amount of conflict brought forth by this issue and unincorporated area residents are now able to take their issues to the County.</p> <p>Councilors Woodruff and Harding asked if Tigard would be eliminating positions now that it is not</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
	collecting SDC's from Bull Mountain. City Manager Prosser said two new positions for plan review and inspection had been added to the proposed budget. They will be removed. However, if the agreement is delayed, these positions may be filled temporarily. Once City staff hears from the County, staff will return to the City Council for additional direction.	
	Meeting adjourned at 9:40 p.m.	<p>Motion by Councilor Sherwood, seconded by Councilor Harding, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council present.</p> <p>Mayor Dirksen Yes Councilor Harding Yes Councilor Sherwood Yes Councilor Woodruff Yes</p>

Attest:

Catherine Wheatley, City Recorder



Mayor, City of Tigard

Date: _____

i:\adm\cathy\cm\2006\060328.doc

AGENDA ITEM # _____
FOR AGENDA OF April 25, 2006

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Receive and File the Annual Solid Waste Financial Report Findings
PREPARED BY: Dennis Koellermeier DEPT HEAD OK  CITY MGR OK 

ISSUE BEFORE THE COUNCIL

Tigard Municipal Code 11.04.090 requires that the City Manager prepare a report to the Council on the solid waste franchisee financial reports and propose rate adjustments, if needed.

STAFF RECOMMENDATION

No rate adjustment is necessary at this time based on the review of the annual reports for calendar year 2005.

INFORMATION SUMMARY

The annual solid waste financial reports have been submitted by the franchised solid waste haulers in the City of Tigard for calendar year 2005. The two haulers that hold franchises in the City are Pride Disposal and Waste Management. An aggregate report summarizing the data is attached to this summary. The aggregate rate of return for the haulers is 9.83%. This rate falls within the allowable range established by the City Council and Tigard Municipal Code of 8% - 12%. No rate adjustment is required at this time.

OTHER ALTERNATIVES CONSIDERED

No alternatives available, this report is required by the Tigard Municipal Code 11.04.090.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

N/A

ATTACHMENT LIST

1. Solid Waste Annual Financial Report Memo to Craig Prosser
 - a. Aggregate Franchised Solid Waste Hauler Financial Report


FISCAL NOTES

The City is expects to receive \$289,370 in solid waste franchise fees for FY '06-'07.



MEMORANDUM

TO: Craig Prosser, City Manager

FROM: Dennis Koellermeier, Public Works Director 

RE: Solid Waste Annual Financial Report for 2005

DATE: April 7, 2006

As required by Tigard Municipal Code (TMC) 11.04.090, the two franchised solid waste haulers in the City of Tigard service area have submitted their annual financial reports for the calendar year ending December 31, 2005. The TMC also requires the City Manager to prepare a report to the Council on the franchisee reports and recommend any rate adjustments that might be required based on the review and analysis of the reports.

Staff has reviewed the annual financial reports and prepared an aggregate report that is attached. The aggregate rate of return for the haulers was calculated to be 9.83% for calendar year 2005. The Council's policy on allowable rate of return provides for rate adjustments if the aggregate profit rate falls below 8% or is over 12%. Based on this policy and the calculated return of 9.83% for calendar year 2005, a rate adjustment would not be required at this time.

Staff will be preparing and submitting an agenda item for the Council to officially receive and file this report for their business meeting on April 25, 2006.

City of Tigard
Franchised Solid Waste Haulers Financial Reports
For Year ended December 31, 2005
(Aggregate Report)

	Calendar Year 2005	Direct Labor Hours	Indirect Cost
Total Indirect Costs -----			\$1,144,467
Drop Boxes			
Operating Revenue	\$2,143,500		
Operating Costs	<u>\$2,392,835</u>	12,338	\$329,262
Net Income	<u>(\$249,335)</u>		
	-11.63%		
Can/Cart Services			
Operating Revenue			
Residential	\$2,863,327		
Multi-Family	\$12,193		
Commercial	\$116,725		
Operating Costs	<u>\$1,604,207</u>	7,460	\$200,458
Net Income	<u>\$1,388,038</u>		
	46.39%		
Container Services			
Operating Revenue			
Residential	\$31,875		
Multi-Family	\$660,855		
Commercial	\$2,521,314		
Operating Costs	<u>\$2,047,481</u>	7,384	\$204,619
Net Income	<u>\$1,166,563</u>		
	36.30%		
Recycling Services			
Operating Revenue			
Bin/Cart Recycling	\$53,049		
Container Recycling	\$69,353		
Operating Costs	<u>\$1,236,411</u>	11,962	\$328,258
Net Income	<u>(1,114,009)</u>		
	-910.12%		
Yard Debris			
Operating Revenue	\$6,848		
Operating Costs	<u>\$373,528</u>	3,066	\$81,870
Net Income	<u>(\$366,680)</u>		
	-5355%		
Medical Waste			
Operating Revenue	\$1,639		
Operating Costs	<u>\$0</u>		
Net Income	<u>\$1,639</u>		
	100%		
Consolidated Net Income	\$826,216		
Other Revenue	8,567		
Other Costs	<u>0</u>		
Grand Total Net Income	<u>\$834,783</u>		
Total Revenues	\$8,489,245	42,210	\$1,144,467
Profit Percentage	<u>9.83%</u>		

AGENDA ITEM # _____
FOR AGENDA OF April 25, 2006

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE A Resolution Approving Budget Amendment #11 to the FY 2005-06 Budget to Increase Appropriations in the Social Services/Community Events budget in the General Fund to fund a portion of the Tualatin River National Wildlife Refuge Grand Opening Ceremony.

PREPARED BY: Michelle Wareing/Duane Roberts DEPT HEAD OK DR CITY MGR OK CR

ISSUE BEFORE THE COUNCIL

Shall the City Council approve Budget Amendment # 11 to increase appropriations in the Social Services/Community Events budget to fund Tigard's contribution to the Tualatin River National Wildlife Refuge Grand Opening Ceremony?

STAFF RECOMMENDATION

Staff recommends approval of Budget Amendment #11.

INFORMATION SUMMARY

On April 11, 2006, City Council discussed the request by the Friends of the Refuge for the City to contribute \$1,500 to the Tualatin River National Wildlife Refuge Grand Opening Ceremony, which will occur on June 3, 2006. Federal statutes precluded the use of federal agency dollars to fund events of this nature. The Friends group has been soliciting contributions from public and private sectors and in-kind contributions.

The Grand Opening Ceremony will celebrate the completion of the first phase of the visitor use facilities and its official opening to the public with a day of festivities involving a ribbon cutting ceremony and wildlife tours. The celebration will continue with more tours on June 4, 2006. Headlining the honorary grand opening committee, among other dignitaries, are former Senator Mark Hatfield, Congressman David Wu, County Commissioner Chair Tom Brian, and Tigard Mayor Craig Dirksen. The City's prior involvement in the Refuge includes a Council-authorized letter, under Mayor Dirksen's signature, sent to the Oregon congressional delegation in support of federal funding for Refuge visitor facilities.

The Social Services/Community Events budget does not have sufficient appropriations to cover the contribution. This budget amendment will increase appropriations in the Social Services/Community Events budget by \$1,500 and reduce the General Fund Contingency by the same amount.

OTHER ALTERNATIVES CONSIDERED

Do not approve Budget Amendment #11

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

None

ATTACHMENT LIST

Resolution including Attachment A

FISCAL NOTES

This resolution will transfer \$1,500 from the General Fund Contingency to the Social Services/Community Events Division Budget to fund the contribution to the Tualatin River National Wildlife Refuge Grand Opening Ceremony.

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 06-_____

A RESOLUTION APPROVING BUDGET AMENDMENT #11 TO THE FY 2005-06 BUDGET TO INCREASE APPROPRIATIONS IN THE SOCIAL SERVICES/COMMUNITY EVENTS BUDGET IN THE GENERAL FUND TO FUND A PORTION OF THE TUALATIN RIVER NATIONAL WILDLIFE REFUGE GRAND OPENING CEREMONY.

WHEREAS, the City received a request from Friends of the Refuge to contribute \$1,500 to the Tualatin River National Wildlife Refuge Grand Opening Ceremony, which will occur on June 3, 2006; and

WHEREAS, the Grand Opening Ceremony will celebrate the completion of the first phase of the visitor use facilities and its official opening to the public with a day of festivities involving a ribbon cutting ceremony and wildlife tours; and

WHEREAS, City's prior involvement in the Refuge includes a Council-authorized letter, under Mayor Dirksen's signature, sent to the Oregon congressional delegation in support of federal funding for Refuge visitor facilities; and

WHEREAS, the City Council discussed this request and gave approval to fund the requests on April 11, 2006; and

WHEREAS, the contribution was not budgeted for in the FY 2005-06 Social Services/Community Events Division budget; and

WHEREAS it is necessary to amend the FY 2005-06 Budget to increase appropriations to fund this contribution.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The FY 2005-06 Budget of the City of Tigard is hereby amended as shown in Attachment A to this resolution to increase appropriations in the Social Services/Community Events Division budget, Community Services Program, in the amount of \$1,500 and to decrease the General Fund Contingency by the same amount

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2006.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Attachment A
FY 2005-06
Budget Amendment # 11

FY 2005-06 Revised Budget	Budget Amendment # 11	FY 2005-06 Revised Budget
---------------------------------	-----------------------------	---------------------------------

General Fund

Resources

Beginning Fund Balance	\$8,671,679		\$8,671,679
Property Taxes	9,582,474		9,582,474
Grants	456,896		456,896
Interagency Revenues	2,459,839		2,459,839
Development Fees & Charges	512,510		512,510
Miscellaneous Fees and Charges	252,360		252,360
Fines and Forfeitures	650,827		650,827
Franchise Fees and Business Tax	3,069,234		3,069,234
Interest Earnings	204,000		204,000
Bond/Note Proceeds	0		0
Other Revenues	25,000		25,000
Transfers In from Other Funds	2,677,233		2,677,233
Total	\$28,562,052	\$0	\$28,562,052

Requirements

Community Service Program	\$12,010,489	\$1,500	\$12,011,989
Public Works Program	2,672,342		2,672,342
Development Services Program	2,941,422		2,941,422
Policy & Administration Program	362,241		362,241
General Government	0		0
Program Expenditures Total	\$17,986,494	\$1,500	\$17,987,994
Debt Service	\$0		\$0
Capital Improvements	\$0		\$0
Transfers to Other Funds	\$4,507,732		\$4,507,732
Contingency	\$937,590	(\$1,500)	\$936,090
Total Requirements	\$23,431,815	\$0	\$23,431,815
Ending Fund Balance	\$5,130,237		\$5,130,237
Grand Total	\$28,562,052	\$0	\$28,562,052

AGENDA ITEM # _____
FOR AGENDA OF April 25, 2006

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Amendments to Management/Supervisory/Confidential Group Personnel Policies

PREPARED BY: Sandy Zodrow, HR Dir. DEPT HEAD OK _____ CITY MGR OK cl

ISSUE BEFORE THE COUNCIL

Should Council adopt amendments to the Management/Supervisory/Confidential Group Personnel Policies

STAFF RECOMMENDATION

Adopt amendments to the Management/Supervisory/Confidential Group Personnel Policies

INFORMATION SUMMARY

Approximately 85 employees are covered by these personnel policies including department directors, division managers, supervisors and other administrative professional staff. It has been approximately four years since the last comprehensive review of these policies. Recently Executive Staff completed a full review of the policies and recommended several amendments. The City Attorney's Office has also reviewed and approved these amendments. The amendments are generally "housekeeping" or clarification changes and major highlights include:

- * Various clearer wording/phrasing amendments that don't alter the current intent of the language
- * Clarification to sections pertaining to positions covered by employment agreements, reinforcing their current at will status, the City's termination rights, and lack of appeal for discipline
- * Delete references to collective bargaining agreements since these positions are not represented
- * Extending the probationary period from three to six months
- * Delete residency requirements, which the Council previously deleted under Ordinance 01-22
- * Delete a list of job classification titles referenced in Policy No. 7.0 Overtime as they are already referred to in the City's Pay Plan
- * Addition of title of "Assistant Police Chief" under the retirement provisions as this position has been created since the last review of these policies
- * Change of title of "department head" to "department director"

OTHER ALTERNATIVES CONSIDERED

Leave existing language as it is.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Clearer language in personnel policy documents helps improve communication and performance expectations within the organization and among employees covered by these policies.

ATTACHMENT LIST

Proposed Resolution

Exhibit A, Personnel Policies, Management/Supervisory/Confidential Employees

FISCAL NOTES

There are no costs associated with these amendments to the policies.

i:\adm\packet '06\060425\agenda item summary mgt rules 4- 06.doc

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 06-_____

A RESOLUTION ADOPTING AMENDMENTS TO THE MANAGEMENT/SUPERVISORY/
CONFIDENTIAL PERSONNEL POLICIES

WHEREAS, the City Council of Tigard, Oregon previously adopted Personnel Policies for the Management/Supervisory/Confidential employees attached as Exhibit A; and

WHEREAS, these policies have not been comprehensively reviewed in approximately four years; and

WHEREAS, the City's executive staff and City Attorney's Office completed a review and update to these policies, which are being submitted for Council adoption.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: The recommended changes to the Management/Supervisory/Confidential Personnel Policies are adopted

SECTION 2: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2006.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

Exhibit A

Management/Supervisory/Confidential Personnel Policies

April 25, 2006

PERSONNEL POLICIES – Management/Supervisory/Confidential Employees

INDEX	TITLE	NUMBER	PAGE
Purpose.....	1.0*	.....	1
Appointment to Position	2.0.....	.....	2
Employment Agreements.....	3.0.....	.....	3
Compensation.....	4.0.....	.....	4
Probationary Period.....	5.0*	.....	5
Merit Salary Increase	6.0.....	.....	6
Residency Requirements	7.0.....	.....	7
Overtime.....	8.0.....	.....	8-11
Holidays	9.0.....	.....	12-13
Management Leave	10.0.....	.....	14
Vacation	11.0.....	.....	15
Sick Leave.....	12.0.....	.....	16-17
Other Leaves	13.0.....	.....	18
Compassionate Leave.....	.....	.....	18
Civil Leave.....	.....	.....	18
Military Leave.....	.....	.....	18
Leaves of Absence without Pay .....	.....	.....	18-19
Employee Benefits	14.0.....	.....	20
Health, Vision, and Dental Coverage.....	.....	.....	20
Health Coverage for Employees Over 65 .....	.....	.....	20
Health Coverage after Separation of Employment .....	.....	.....	20
Health Coverage after Retirement.....	.....	.....	20
Long-Term Disability.....	.....	.....	21
Life Insurance.....	.....	.....	21
Supplemental Life Insurance.....	.....	.....	21
Other Insurance Programs.....	.....	.....	22
ICMA 401(a) Retirement Programs.....	.....	.....	22
PERS Retirement Program.....	.....	.....	22
Deferred Compensation Program.....	.....	.....	23
Social Security .....	.....	.....	23
Layoff and Recall.....	15.0.....	.....	24-27
Moving Expenses	16.0.....	.....	28
Discipline	17.0*	.....	29-31
Discharge Procedure	18.0*	.....	32
Appeal of Discipline	19.0*	.....	33-35

* Adopted 02/09/1999. All other articles adopted 11/24/1998

PERSONNEL POLICIES - Management

No. 1.0

Adopted 02/09/1999

PURPOSE

These personnel policies and procedures are designed to inform all employees of the day-to-day administrative working of the City. They are also meant to provide employees with an understanding of what is expected of them and to provide consistent, fair and uniform treatment to all.

These policies are specifically applicable to the Management, Supervisory and Confidential Group employees of the City of Tigard, and shall be utilized as a supplement to the City's general Personnel Policies. These policies are applicable to those job classifications identified in the Management, Supervisory and Confidential Group pay plan.

The City reserves the right to change any of these policies and procedures at any time. Although it is the City's policy not to terminate the employment relationship with the City unless it has just cause to do so, these policies and procedures do not and are not intended to constitute a contract of employment or a promise or guarantee of specific treatment in specific situations.

AUTHORITY AND RESPONSIBILITY

The Mayor and the City Council shall have the authority over all matters of personnel administration through adoption and implementation of the City budget, pay plans, collective bargaining agreements, ordinances and resolutions adopting and/or amending the personnel rules and regulations.

The City Manager may interpret the language of the rules and regulations in any case where interpretation is in question, and may specifically delegate the authority for the enforcement of these rules and regulations.

The City Manager shall be responsible for ensuring the effective implementation of these rules and regulations and may further establish, amend or otherwise modify these rules and regulations pursuant to City Council policies. The City Manager shall advise the City Council on any changes concerning these rules and regulations.

Deleted: The rules and procedures contained herein shall apply to all City employees. Where the provisions of a collective bargaining agreement with the City differ from these rules, the language in the bargaining agreement shall prevail.

APPOINTMENT TO POSITION

The Mayor of the City of Tigard, with the consent of the City Council, exercises appointive and removal power over the offices of the City Manager, City Attorney, Municipal Judge, and City Recorder. Incumbents appointed to these positions after February 17, 1986, serve at the pleasure of the Mayor and City Council and can be terminated from their position without cause in accordance with the terms of their employment agreements. (City Ordinance 86-15).

Deleted: Unless otherwise agreed to in an employment agreement with the individual filling the position,

Deleted: cause

The City Manager, after consultation with the Mayor and City Council, has appointive and removal power over all persons serving as Department Directors for the City. In addition, the City Manager has supervisory responsibilities over the City Recorder. Department Directors appointed after February 17, 1986 are "at will" employees and may be terminated pursuant to the terms of their employment agreements with or without cause. (City Ordinance 86-15).

Deleted: Such employment agreements with the City Manager, City Attorney, Municipal Judge, and City Recorder are binding only upon the appointing City Council and must be renegotiated if a majority of new Council members are elected.

Deleted: Unless otherwise agreed to in an employment agreement with the individual filling such a position, just cause shall not be required for removal of

Deleted: 5

EMPLOYMENT AGREEMENTS

The City Manager, City Recorder, and Department Directors and other managerial employees designated by the City Council or City Manager serve under the conditions of an employment agreement. All persons serving under an employment agreement are "at will" employees and may be terminated pursuant to the terms of the employment agreement, with or without cause. The conditions in an employment agreement may include, but are not limited to, terms of appointment, supervision, termination, duties, salary, and fringe benefits. All employment agreements shall be in writing and approved by the City Council or City Manager, depending on who is the appointing authority. The employment agreements prevail over these personnel policies. The personnel policies apply to those who serve under an employment agreement to the extent not inconsistent with the employment agreement, except that Policies 17 and 18 and all portions of Policy 19 other than the "Procedural Rights Related to Performance for Department Directors" section do not apply to those who serve under an employment agreement. Nothing in the personnel policies shall be considered to in any way limit the City's authority to terminate an employee pursuant to the terms of an employment agreement.

Deleted: Only t

Deleted: Other positions designated by the City Council or City Manager may also serve under the conditions of an employment agreement.

Deleted: se

Deleted: Just cause shall not be required for removal of an incumbent serving under the conditions of an employment agreement

Inserted: Just cause shall not be required for removal of an incumbent serving under the conditions of an employment agreement.

Deleted: f

Deleted: is to be utilized in conjunction with the personnel policies of the City. In the event that the language contained in the employment agreement differs with a provision in the personnel policies, the employment agreement shall take precedence.

PERSONNEL POLICIES - Management

No. 4.0

COMPENSATION

The City Council, with the recommendation of the City Manager, shall set the salary schedule to be used as the basis for compensation. Employees shall be paid in accordance with the established salary schedule as adopted by the City Council. Newly hired employees shall be compensated at the entry level salary for their position unless otherwise specifically approved by the City Manager.

PROBATIONARY PERIOD

Newly hired or promoted employees shall serve a six (6) month probationary period. During this probationary period of employment employees may be dismissed without cause by the City Manager or by the employee's department director with the approval of the City Manager. Notice of dismissal during the probationary period shall be in writing and shall state the effective date of dismissal. If, in the opinion of the department director and consultation with the City Manager, a longer probationary period is necessary to evaluate the employee's performance, the probationary period may be extended by the department director for a maximum of six (6) months.

Deleted: Except as otherwise provided for in an applicable collective bargaining agreement,

Deleted: n

Deleted: three (3)

Deleted: All employees being promoted or transferred will be subject to a six (6) month probationary period.^f

MERIT SALARY INCREASES

Employees of the City shall receive salary increases within the salary range of their job classification on the basis of merit.

A performance review must be completed prior to awarding a merit increase. Merit increases shall be granted based on satisfactory performance at the completion of twelve months of employment from the date of satisfactory completion of the probationary period, and every twelve months thereafter. Additional merit increases may be granted at any time based on documented performance reviews. Contingent upon satisfactory performance, an employee shall receive a merit increase not to exceed the top step of the salary range for the classification, as provided for under "Performance Reviews". When an employee reaches the final step of the salary range, no further merit increases will occur.

Deleted: Except where prohibited by language in any applicable collective bargaining agreements,

Deleted: e

Deleted: ,

Deleted: ,

Deleted: instead of automatic "step" increases on an annual or other basis.

Residency Requirements has been deleted per Council Ordinance 01-22 discontinuing requirement

OVERTIME

It is the policy of the City to reduce to a minimum the necessity for overtime. Overtime work shall be discouraged, and department directors and supervisor shall make every effort to assign to each employee duties and responsibilities which can be accomplished within the employee's established work schedule. However, there may be times when City employees may be expected or are required to work beyond their normal work schedule in order to provide the services and support necessary to conduct and supervise the work programs which have been assigned to them. It shall be the responsibility of the department director to assign and/or allow overtime with due consideration for budgetary accountability. Flexible scheduling in lieu of overtime shall be encouraged whenever feasible. All overtime to be worked requires the advance authorization of the employee's supervisor.

For the purposes of calculating overtime for Management/Professional Group employees, all paid leave shall be treated as hours worked except in the event such leaves are interrupted and the employee is called back to work due to an emergency outside the control of the City (i.e. weather, act of God, earthquake, flood, etc.).

OVERTIME FOR FLSA M-1 EMPLOYEES

The M-1 category includes department directors. M-1 employees will be allowed to take time off as the workloads permit. Employees in this category may also be allowed to utilize flexible scheduling.

Deleted: ¶

Deleted: RESIDENCY REQUIREMENTS¶

The City Manager, City Recorder, and all Department Heads are required to establish and maintain permanent residency within the boundaries of Clackamas, Multnomah or Washington Counties in the State of Oregon within nine months following their appointment unless otherwise agreed to in writing by the City Council.¶

Page Break

OVERTIME FOR FLSA M-2 EMPLOYEES

The M-2 category covers senior management positions including division managers, some supervisors, professional employees and other senior management classifications. M-2 employees who work in excess of the payroll period will be allowed to utilize flexible scheduling to take time off as their workload permits and at the discretion of the department director. If the department director approves M-2 time (hour for hour) instead of flexible scheduling, the employee may not accumulate in excess of 40 hours. M-2 time will not be cashed out at any time. All M-2 time accrued must be documented on City timesheets.

OVERTIME FOR FLSA M-3 EMPLOYEES

M-3 employees are Management/Professional Group non-exempt employees pursuant to the Fair Labor Standards Act and other exempt positions as determined by the City. These positions will be provided time and one-half compensation in cash or accrued compensatory time for all hours worked over 40 hours in a work week. The maximum accumulation or cap of compensatory time shall be 40 hours. Employees should use accumulated compensatory time before vacation or other accrued leave (at time and one-half) as soon as practical. At the discretion of the department director, overtime may be paid in lieu of compensatory time if budgeted funds are available.

The classification of Police Sergeant is the only exception to calculating overtime over forty (40) hours in a workweek. For this classification, overtime shall be calculated on a daily basis. Employees assigned a 5-8 schedule shall be compensated at the rate of time and one-half for all work in excess of eight (8) hours on any work day and all work performed on the 6th and 7th day of an employee's workweek. Employees assigned a 4-10 schedule shall be compensated at the rate of time and one-half for all work in excess of ten (10) hours in any workday and all work performed on the 5th, 6th and 7th day of the employee's workweek.

In regards to overtime compensation for Lieutenants of the Police Department, when a Lieutenant is 1) unable to flex their schedule, and 2) has accumulated the maximum of 40 hours compensatory time allowed under the Management Personnel Policies, any overtime worked which exceeds the accumulated 40 hours of compensatory time would be paid for in cash during the payroll period in which it is worked.

PERSONNEL POLICIES - Management

Deleted: M-1, M-2, M-3 Designations

Deleted: M-1 CATEGORY

Library Director
Finance Director
City Engineer
Public Works Director
Community Development Director
Police Chief

M-2 CATEGORY

Planning Manager
Financial Operations Manager
Building Official
Engineering Manager
Assistant to the City Manager
Police Lieutenant
Network Services Director
Human Resources Director
Police Captain
Library Division Manager
Library Technical Services Specialist
Reader Services Specialist
Library Circulation Supervisor
Project Engineer
Operations Division Manager
Property Division Manager
Utility Division Manager
Administrative Services Manager
Planning Supervisor
Senior Management Analyst/Risk
Senior Human
Resources/Telecommunications Analyst
Plans Examination Supervisor
Senior Human Resources Analyst
Development Services Supervisor
City Recorder
Inspection Supervisor

Page Break

M-3 CATEGORY

Library Technical Services Coordinator
Buyer
Police Sergeant
Confidential Executive Assistant
Micro Computer Support Technician
Assistant Planner

... [1]

Deleted: The City prohibits any improper deductions from the salaries of exempt employees. It is the City's intent to pay each employee, exempt or non-exempt, the proper and appropriate pay. If an exempt employee believes that his/her salary has been improperly reduced, the employee should first report the matter to the City's Finance Department Payroll Section. If the matter is not resolved to the employee's satisfaction, the employee may report the matter to their Department Director and the City Finance Director. The decision of the Finance Director will be final in matters regarding allegations of improper deductions of the salaries of exempt employees. This procedure is the exclusive procedure for challenging improper deductions under this section, and is in lieu of the grievance procedure set forth in Article 63.0, Complaint Procedure, of the City wide Person...

... [2]

M-1 CATEGORY

Library Director
Finance Director
City Engineer
Public Works Director
Community Development Director
Police Chief

M-2 CATEGORY

Planning Manager
Financial Operations Manager
Building Official
Engineering Manager
Assistant to the City Manager
Police Lieutenant
Network Services Director
Human Resources Director
Police Captain
Library Division Manager
Library Technical Services Specialist
Reader Services Specialist
Library Circulation Supervisor
Project Engineer
Operations Division Manager
Property Division Manager
Utility Division Manager
Administrative Services Manager
Planning Supervisor
Senior Management Analyst/Risk
Senior Human Resources/Telecommunications Analyst
Plans Examination Supervisor
Senior Human Resources Analyst
Development Services Supervisor
City Recorder
Inspection Supervisor

Page Break

M-3 CATEGORY

Library Technical Services Coordinator
Buyer
Police Sergeant
Confidential Executive Assistant
Micro Computer Support Technician

Assistant Planner
Executive Assistant to City Administration
Human Resources Technician
Human Resources Assistant
Risk Technician
Police Records Supervisor
Fleet Services Coordinator
Associate Planner
Budget and Financial Reporting Analyst
Human Resources Analyst
Volunteer Coordinator
Wastewater Operations Supervisor
Water Operations Supervisor
Grounds Supervisor
Street Supervisor
Fleet and Facilities Supervisor

Page 9: [2] Deleted

HR

3/27/2006 9:32 AM

The City prohibits any improper deductions from the salaries of exempt employees. It is the City's intent to pay each employee, exempt or non-exempt, the proper and appropriate pay. If an exempt employee believes that his/her salary has been improperly reduced, the employee should first report the matter to the City's Finance Department Payroll Section. If the matter is not resolved to the employee's satisfaction, the employee may report the matter to their Department Director and the City Finance Director. The decision of the Finance Director will be final in matters regarding allegations of improper deductions of the salaries of exempt employees. This procedure is the exclusive procedure for challenging improper deductions under this section, and is in lieu of the grievance procedure set forth in Article 63.0, Complaint Procedure, of the City wide Personnel Policies.

An employee who has been subject to an improper deduction will be reimbursed by the City no later than the next complete payroll period following the date that the determination of the improper deduction was first made by the City. The City will make good-faith efforts to ensure compliance with the rules concerning deductions from the salaries of exempt employees in the future.

HOLIDAYS

The City observes the following paid holidays:

New Year's Day	January 1
The Birthdate of Martin Luther King, Jr	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
The Friday after Thanksgiving Day	Friday after Thanksgiving
Christmas Day	December 25

To receive holiday pay, employees must work the last scheduled workday before and the first scheduled workday after the holiday, or be on authorized leave with pay for both of these days.

Whenever a holiday falls on Sunday, the succeeding Monday shall be observed as the holiday; whenever a holiday falls on Saturday, the preceding Friday shall be observed as the holiday.

Holiday pay for full-time, regular employees is eight (8) hours. Holiday pay for part-time employees shall be pro-rated according to their regular work schedule. Temporary employees are not eligible for holiday pay. Holidays that occur when an employee is absent from work on approved vacation or sick leave will be paid as holiday pay and no deduction shall be made from their accumulated vacation or sick leave time.

Non-exempt (M3) employees who are required to work on a holiday will be compensated for all hours worked on the holiday at 1-1/2 times their straight-time rate in addition to holiday pay. This premium pay shall be due for working on either the actual holiday or the observed holiday, but not both.

All other exempt employees required to work on a holiday may take an "alternate" day off within 60 days following the holiday. Part-time employees who are required to work on a

holiday can choose to either receive prorated holiday pay for the day or a prorated "alternate" holiday to be taken within 60 days following the holiday. "Alternate" holiday time will not be carried over the 60 day limit.

In lieu of holidays off, Police Sergeants shall be credited with eight (8) hours of holiday compensatory time or cash, at the option of the employee, for each month worked. If the Sergeant elects to receive compensatory time, such time off shall be credited to his/her vacation/holiday account.

Within 30 days of the dates specified herein, the Sergeants will be required to advise the City what portion of their holiday time is to be converted to their vacation/holiday account and/or paid monthly or on the dates specified below. If a Sergeant elects to have a portion of their holiday hours paid, such payment shall be made on December 1 and/or June 1 of each year and shall not exceed 48 hours on either date. Human Resources will provide the Sergeants with a selection form and each employee will be required to make a selection and return the form within the time period described in this section. Sergeants shall not be allowed to accumulate vacation/holiday in excess of 280 hours, or double their vacation accrual, whichever is greater.

Library Holidays

Section 1. Holidays:

- a) New Year's Day, January 1
- b) Memorial Day, Last Monday in May
- c) Independence Day, July 4
- d) Labor Day, First Monday in September
- e) Veterans Day, November 11
- f) Thanksgiving Day, Fourth Thursday in November
- g) Christmas Day, December 25
- h) Three (3) floating holidays in lieu of 1) Martin Luther King 2) President's Day 3) Friday after Thanksgiving

Section 2. Holidays will be observed on the actual day the holiday falls. For full time and part time employees not scheduled to work on the day a holiday falls, the employee will arrange with his/her supervisor to mutually schedule an alternative day off within sixty (60) days or the day of the City wide observance.

Section 3. Floating holidays will be accrued in each of the payroll periods in which the City's holiday actually occurs (see above listing of floating holidays).

Section 4. It is the responsibility of an employee who accrues a floating holiday under Section 3 to schedule the holiday time off at a time that is mutually agreeable to the employee and his/her supervisor. Any accrued but unused floating holiday time will not be lost at the end of the fiscal year.

Section 5. The employee will not be cashed out for holiday time.

MANAGEMENT LEAVE

Regular, fulltime employees in the Management/Professional group shall accrue management leave based on their length of service in a management/professional position. Management leave for regular part-time employees working 20 hours or more per week in these positions shall be pro-rated according to their regular work schedule.

Newly appointed management/professional employees will receive a pro-rated amount of management leave during their first fiscal year of employment based on completion of each full quarter (3 month) period worked. Eligible employees shall earn paid management leave according to the following schedule:

Date of hire - 1st fiscal year	2 hrs/full quarter worked
end of 1st fiscal year - 2-1/2 years	1 day per fiscal year
2 - 1/2 years plus one day through	
4 - 1/2 years	2 days per fiscal year
4 - 1/2 years plus one day	3 days per fiscal year

Management leave is posted on July 1st of each fiscal year and may be used after posting. All management leave must be taken by June 30th of that fiscal year and may not be carried over into the next fiscal year. The employee will not be paid for management leave in the event of termination of service for any reason.

VACATION LEAVE

Regular, full-time employees shall accrue vacation leave based on their length of service with the City. Vacation time for regular, part-time employees who work 20 hours or more per week will be prorated according to their regular work schedule

Management/Professional group employees shall accrue vacation time on the following basis:

YEARS OF SERVICE	ACCRUAL RATE/MONTH
0 to 6 months	No monthly accrual - 40 hours credited at the end of the probationary period
beginning of 7 months of service	7 hours/month
beginning of 1 year of service	8 hours/month
beginning of 6 years of service	10 hours/month
beginning of 11 years of service	12.5 hours/month
beginning of 16 years of service	14 hours/month
beginning of 20 years of service	16 hours/month

Vacation shall be credited as earned for each month of service or pro-rated for each fractional month, expressed to the half-month of service. Vacation leave shall be posted at the end of each pay period in which it is earned. Employees may not use vacation leave until it has been earned. Management/Professional employees may not accrue vacation time in excess of two (2) times their annual accrual. Employees may not accrue vacation time beyond the maximum limit. It is the employee's responsibility to schedule sufficient vacation so that he/she is not denied accrual of additional vacation time.

With written approval of the department director, Management and Professional employees may receive pay in lieu of one week of vacation leave each fiscal year, provided the payment is requested in conjunction with a scheduled week of vacation time off. Employees may also receive pay in lieu of a second week of vacation each fiscal year, provided an additional forty (40) hours of vacation are taken off during the fiscal year.

Upon termination of service for any reason, the employee shall be paid for all earned but unused vacation time accrued.

SICK LEAVE

An employee who is unable to work by reason of personal illness or injury, necessity of medical or dental care, exposure to contagious disease, or critical illness in the employee's immediate family, may utilize sick leave. Sick leave may also be used under the provisions of the City's Family Medical Leave Policy.

Ⓢ ACCRUAL

Regular, full-time employees accrue sick leave at the rate of 3.7 hours for each two-week payroll period they are employed by the City. Sick leave for regular, part-time employees working 20 hours or more per week shall be prorated according to their regular work schedule. Sick leave shall be posted at the end of each pay period. There shall be no limit on the amount of sick leave an employee may accumulate.

Ⓢ UTILIZATION

Accumulated sick leave shall be payable at the employee's regular straight time rate in an amount equal to the time the employee would have normally worked.

In the event an employee is absent from work because of the need to use sick leave, the employee shall, within the first half-hour of their scheduled start time, notify their supervisor of their reason for being absent. Sick leave may not be used until it has been earned. Employees must notify their supervisor each day they are absent except employees who are on pre-approved sick leave such as worker's compensation or FMLA. At the discretion of the Department Head, a physician's certificate may be required before an employee is permitted to return to work or to be granted sick leave. Proven abuse of sick leave shall result in disciplinary action.

If an employee runs out of sick leave, any additional time missed will be automatically deducted from the employee's accrued vacation, compensatory, management leave and holiday time. If the employee has no paid leave time available, the employee may be placed on leave without pay.

Sick leave may not be used when an employee is actually performing the work involved in a preapproved outside employment agreement.

Deleted: accrued vacation or compensatory time

Deleted: will

© *PHYSICIAN'S CERTIFICATION*

In cases of illness or disability as certified by an employee's physician, the City has the right to obtain a second medical opinion to confirm the employee's limited ability to perform the duties of their position or inability to return to work. Such examinations shall be performed by a licensed medical practitioner of the City's choosing and shall be paid for by the City. The consulting practitioner shall submit a written report to the Human Resources Director who will make a final decision regarding granting of sick leave benefits. Employees who refuse to submit to a second opinion examination may be ineligible for the use of accumulated sick leave for the particular disability in question.

Deleted: s

WORKER'S COMPENSATION

Sick leave benefits are not available for any illness or injury that is covered by Worker's Compensation benefits provided by the City or another employer. The City shall make up the difference between time loss payments and the employee's regular net pay at the time of injury. The City shall continue to make the same contribution to all benefit programs as would have been made if the employee had worked his/her regularly scheduled hours of work. Whenever an employee receives a reimbursement for worker's compensation time loss benefits, he/she shall endorse the check and give it to the Finance Director or their supervisor for deposit by the City. Time lost for injuries covered by worker's compensation will not be charged to the employee's accumulated sick leave. If the Worker's Compensation leave is for a qualified state or federal family leave purpose, such leave of absence shall be granted against the employee's annual family leave entitlement concurrently.

Deleted: l

OTHER LEAVES

COMPASSIONATE LEAVE

In the event of a death in the employee's immediate family, the employee may be granted time off with pay for a period not to exceed five working days. For the purposes of this section, an employee's family shall be defined as: spouse, child, parent, sibling, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandchild, grandparent, or any other person who is a dependent of the employee. The City Manager may allow additional paid time off or may recognize the need for granting the use of compassionate leave in the event of the death of other relatives or non-relatives.

CIVIL LEAVE

Employees shall be granted paid leave for service on a jury or when subpoenaed as a witness in a court proceeding in which the employee does not have a personal interest. The employee shall remit said fees due them for jury or witness duty to the City, except reimbursement for mileage, meals, etc, to the City. Employees are required to report to work when less than a normal workday is required for jury or witness duties.

MILITARY LEAVE

Military and Peace Corps leaves shall be granted to employees in accordance with state and federal laws.

LEAVES OF ABSENCE WITHOUT PAY

Employees may request a leave of absence without pay if circumstances require an absence from work. The employee must submit a written request for approval of the leave of absence to their department director and/or the City Manager. This written request must establish a reasonable justification for the leave and the duration of the requested leave. Leaves will not be granted to accept employment outside the City.

An employee may be granted a leave of absence without pay for up to twelve (12) months when the work performance of the employee's department will not be seriously

handicapped by their absence. Vacancies created by the employee's leave, if filled, will be made by a temporary appointment.

Employees shall be required to exhaust all accrued paid leave prior to being placed on leave without pay status in the following order: vacation, compensatory time, management leave, sick leave. If an employee exhausts all accumulated sick leave due to illness or injury, they will be required to use any accrued vacation, compensatory time, and management leave prior to being placed on leave without pay status (see Family Medical Leave Policy).

All leave accruals and retirement contributions shall begin to accrue when the employee returns to work, without loss of any previously existing leave balances. Seniority accrued prior to an authorized leave of absence without pay will not be lost. Health and other insurance benefits shall be administered according to the appropriate insurance guidelines.

EMPLOYEE BENEFITS

HEALTH, VISION, AND DENTAL COVERAGE

The City provides group health insurance for regular employees and their dependents to cover non-occupational injuries and illnesses. All regular employees working 20 hours or more per week are eligible for medical, vision, and dental insurance for themselves and their dependents. Regular, part-time employees working from 20 hours to 31 hours per week are responsible for paying one-half the cost of the monthly premiums.

Deleted: 's

Coverage becomes effective on the first day of the month following completion of two full months of employment. Any monthly premium payments necessary to cover the employee or their dependents will be deducted from the employee's paycheck.

HEALTH COVERAGE FOR EMPLOYEES OVER 65

Any current employee who is also Medicare-eligible will continue to be covered under the City-sponsored group insurance plan of their choice. Primary coverage will be through the City's health plan. The employee may also choose to enroll in Medicare as a secondary provider to help pay remaining eligible expenses. The City does not pay Medicare premiums.

HEALTH COVERAGE AFTER SEPARATION OF EMPLOYMENT

Health coverage through the City ceases at the end of the month in which employment terminates. Employees and their dependents who no longer qualify for City coverage, may elect within 60 days to continue their health insurance at the City rate through the COBRA program. Monthly premiums are payable to the City.

HEALTH COVERAGE BENEFITS AFTER RETIREMENT

Employees retiring under the City's retirement plan may continue their health insurance coverage through the City by paying the monthly premium. Employees must elect coverage within 60 days of their retirement from the City. When the employee or their spouse becomes eligible for Medicare, that individual's health coverage through the City's group plan must be discontinued. However, the other individual is eligible to continue the City's group plan coverage until such time that they reach Medicare age. Upon reaching the age of 18, any unmarried, dependent child will no longer be eligible for health coverage under the City's group plan.

LONG-TERM DISABILITY COVERAGE

Effective on the first working day of the month following completion of six (6) full months of continuous employment, regular full-time employees and part-time employees who are scheduled to work 20 hours or more per week are covered by the City's long-term disability insurance program. This insurance will provide for 66 2/3% of the employee's base salary in the event the employee should be disabled and not have sick leave, worker's compensation, or other insurance coverage available to them.

Employees eligible for long-term disability benefits will receive a scheduled salary to a monthly maximum benefit as specified by the Insurance Policy Certificate for Long-Term Disability.

LIFE INSURANCE

Effective on the first working day of the month following completion of two (2) full months of continuous employment, all regular full-time employees and part-time employees who are scheduled to work 20 hours or more per week are covered by a \$50,000 life insurance policy with provisions for double indemnity and accidental death and/or dismemberment. Coverage may vary by employee group as specified by the applicable Group Insurance Policy Certificate for Life Insurance.

SUPPLEMENTAL LIFE INSURANCE

Effective on the first working day of the month following completion of two (2) full months of continuous employment, all regular full time and part time employees who are scheduled to work 20 hours or more per week may apply for supplemental life insurance coverage for themselves and their spouse upon the approval of the insurance carrier. Premiums for this coverage are at the employee's expense and are made through payroll deductions.

OTHER INSURANCE PROGRAMS

Employees are insured under the provisions of the Oregon State Worker's Compensation Act for on the job injuries, and the State Unemployment Insurance program. The amount of the premiums paid and the levels of coverage provided are directed by those agencies administering these programs.

The City provides a comprehensive personal liability (errors and omissions) policy to provide liability coverage for employees excluding the provisions of ORS 30.285 as it relates to malfeasance in office or willful or wanton neglect of duty.

ICMA (401a) RETIREMENT PROGRAM

ICMA MONEY PURCHASE PLAN

All regular full-time and part-time employees working 20 hours or more in the Management/Professional Group (with the exception of Police Sergeants, Lieutenants, Captains, Assistant Police Chief and the Police Chief) are required to participate after six months of continuous employment in the ICMA 401(a) Money Purchase Plan. The City's contribution rate will be determined annually by the City Council. All participating employees are 100% vested at the time of the City's first contribution in their behalf.

Employees may also elect to participate in the ICMA 401(a) Voluntary Contribution Program after six months. This program allows a voluntary after-tax contribution of up to 6 percent of the employee's monthly salary.

Employer and employee contributions cease on the employees last workday.

PERS RETIREMENT PROGRAM

The Police Chief, Assistant Police Chief, Captains, Lieutenants, and Sergeants in the Management/Professional Group are required to participate in the Public Employees Retirement System (PERS) after six (6) months of employment with the City. New sworn officers who already participate in PERS are enrolled immediately. The City's contribution rate is established by PERS rules and regulations; the employee's contribution is determined by City Council action.

Eligible employees may also choose to participate in the PERS Variable Annuity program. Enrollments must be received by PERS prior to January 1 each year and are effective on January 1.

All contributions shall cease immediately upon separation from the City.

DEFERRED COMPENSATION

The City offers employees the option of participating in a deferred compensation program. Employees may voluntarily defer a portion of their salary as an investment for retirement.

Employee contributions shall cease immediately upon separation from the City.

The City shall provide a City contribution to deferred compensation not to exceed a maximum of 3% for the Management, Supervisory & Confidential Group Employees. Employees will be required to match the City's contribution, and can select the percentage up to 3%.

SOCIAL SECURITY

The City participates in the Federal Social Security Program (FICA). Contributions by the City and the employee, as well as benefits provided, are in accordance with the rules and regulations provided by the Social Security Administration.

LAYOFF AND RECALL

A department director may layoff an employee because of lack of work, shortage of funds, a material change in duties, a disability which prevents the employee from performing the essential functions of the job with or without reasonable accommodation, reorganization, or for any other reason as determined by the City which does not reflect discredit on the service of the employee. Temporary or permanent separation of an employee as a disciplinary action shall not be considered a layoff. Additionally, any temporary interruption of employment because of adverse weather conditions, shortage of supplies, or for other unexpected or unusual reasons, as determined by the City Manager, which does not exceed ten (10) working days, shall not be considered a layoff if; at the termination of such conditions, employees are to be returned to employment.

The department director shall identify the number of positions within a classification to be reduced in the department. Unless a layoff is the result of an employee being unable to perform the essential functions of the job with or without reasonable accommodation, layoff shall be within a classification in the department in inverse order of seniority with the City. For the purposes of layoff, seniority shall be based on consecutive years of service with the City. Time spent in a temporary position shall not count towards seniority for the purposes of layoff. In the event two or more employees have the same seniority and the same date of employment with the City layoff will be determined by the drawing of lots. The department head shall request Human Resources to prepare the appropriate layoff list. The employee with the least City wide seniority shall be laid off.

Deleted:

Employees who are laid off will be offered any temporary positions for which they are qualified and available in the department from which they were laid off. Temporary employees will not be employed in any department implementing layoffs unless any laid off employee (5), who are qualified and available for the nature of the work involved, are first offered and decline to accept the temporary, extra help or seasonal position. The determination of an employee's qualifications and availability to perform the work of a temporary, extra help or seasonal position shall be within the discretion of the department director.

The department director will be expected to notify Human Resources of a pending layoff as soon as practical. All affected employees shall be given written notification by their department director at least thirty (30) calendar days before the effective layoff date, stating the reasons for the layoff.

BUMPING

In the event of a layoff, any employee who would otherwise be subject to a layoff shall, within five (5) working days following written notice of layoff, have the right to displace or "bump" a less senior employee in any lower paying classification in any department provided that he/she is fully qualified to perform the work of the lower pay classification and has more seniority in City service (excluding temporary work) than the least senior employee in the classification he/she seeks to bump into. The City Manager or department director shall determine if an employee meets the qualifications for the job.

Any employee who exercises his/her bumping rights shall serve a probationary period of three (3) months in the lower classification, with an option to extend another three (3) months at the discretion of the department director. During this probationary period, the City may return the employee to layoff status for unsatisfactory performance in the lower classification.

Employees to be laid off shall submit written bumping requests to their department director within five (5) working days of receipt of written notice of layoff. If no request to bump is received by the deadline, the employee shall be laid off. The department will officially notify the employee in writing whether the bumping request is granted or denied, and shall do so within the 30 calendar day notice of layoff period.

Employees who are granted bumping requests shall be placed at the top step of the lower classification or at their current salary, whichever is less.

Department directors, City Recorder and other positions serving under the conditions of an employment agreement may not exercise bumping rights.

Deleted: including the

DEMOTION IN LIEU OF LAYOFF

Management/Professional Group employees may submit a written request to their department director requesting a demotion in lieu of layoff. The director may grant this request in any class for which a vacancy exists and where it appears that the employee may expect to perform satisfactorily. If the department director determines that this action is not in the best interest of the department, the director shall immediately notify the employee. An employee who is demoted in lieu of layoff shall be placed on a recall list for the class from which they were demoted.

The rules governing salary for demotions shall also apply for demotion in lieu of layoff.

RECALL

A recall list shall consist of all employees who were laid off from, or demoted in lieu of layoff from a position in the appropriate class. The order of names on the recall list shall be by reverse order of layoff or reduction. Each recall list shall remain in force for one (1) year from the date of layoff or demotion in lieu of layoff. The recall list shall be used to fill vacant positions before any other list may be certified, providing that the employee is qualified to perform the duties of the position. If the department director determines that the employee is not qualified to perform the duties of the position, the director shall notify Human Resources in writing of the reasons for not appointing the employee. The recall list shall be certified in the reverse order of layoff or reduction.

The Human Resources Director may remove the name of a person from a recall list if the laid off or demoted in lieu of layoff employee fails to reply within fourteen (14) calendar days from the date of mailing of a notice of recall, sent by certified mail, to the laid off employee's last known address. It is the responsibility of the employee to notify Human Resources of any address change. The department director may request the certification of the next person on the layoff list if the laid off or demoted in lieu of layoff employee is not available to work within ten (10) working days of their notification to return to work.

Deleted: h

BENEFITS AND COMPENSATION

Accrued sick leave will be retained during the time an employee is on the recall list, and will be available for use upon appointment from the recall list. Sick leave is lost when the term of eligibility for recall expires.

Employees who have completed at least six (6) months of service and are eligible for vacation benefits, will be paid for unused vacation leave at the time of layoff. Employees who do not wish to be paid for accrued vacation when laid off may submit a written request to Human Resources five (5) days prior to layoff. This accrued vacation will be held for a maximum of one year from the date of layoff, at which time it will be paid to the employee. Employees may request payment of accrued vacation time prior to the end of the twelve months by submitting a written request to Human Resources. Vacation time not paid to the employee will be restored upon appointment from a recall list. The rate of the employee's accrual shall remain the same as it was at the time of layoff. Vacation shall not accrue while an employee is laid off.

Employees who are laid off shall retain, but not continue to accrue, seniority during the time they are on the recall list. Seniority will be lost when the term of recall expires.

Upon reappointment from the recall list, an employee shall receive the same step in the salary range that the employee was at when laid off or demoted in lieu of layoff. Benefits and status toward merit increases shall begin to accrue as if there had been no break in service. The employee's anniversary date shall be adjusted so that time spent on layoff or in demotion in lieu of layoff will not count towards merit increases.

MOVING EXPENSES

The City may pay partial or total moving expenses for employees in positions as maybe authorized by the City Manager.

In the case of total payment of moving expenses, the City's Finance Director or designee will handle all details relating to the expenses associated with the move. In the case of a partial payment, the employee will submit at least two estimates of the expected costs of the move. The City Council or City Manager will determine the amount of the moving allowance to be reimbursed by the City. The reimbursement for moving expenses will be paid to the employee after the move has been completed and appropriate expense statements have been submitted to the City. This procedure applies both to employees who elect to move themselves as to those who contract with a professional moving company. In no event does the City assume any liability for any items lost or damaged during the moving process.

Upon acceptance of a moving reimbursement, the employee is required to sign a letter of agreement to repay any moving expense that were originally paid for by the City in the event the employee resigns their employment with the City during the first twelve (12) months of employment.

DISCIPLINE

DISCIPLINE GENERALLY

On-the-job conduct of City employees affects the ability of the City to serve its citizens and affects the taxpayer's impression of City government. Employee safety, productivity and morale are dependent upon employee conduct.

Occasionally it is necessary for supervisors to resort to corrective action when other actions are inappropriate, or where a particular employee fails to respond to informal guidance.

In order to provide a fair method of correcting, and when necessary, disciplining employees, the City will use progressive discipline procedures and the following guidelines for all Management/Supervisory/Confidential group employees other than department heads or other positions serving under the conditions of an employment agreement, whose performance and conduct issues shall be addressed in accordance with the applicable employment agreement.

Deleted: exempt

DISCIPLINE - GENERAL GUIDELINES

- A. Discipline may be initiated for many proper reasons, including but not limited to, violations of the work rules, insubordination or poor job performance. The severity of the action generally depends on the nature of the offense and an employee's work record, and may range from verbal counseling to discharge.
- B. Progressive discipline for infractions include:
 - 1. verbal reprimand
 - 2. written reprimand
 - 3. temporary reduction in pay in lieu of suspension
 - 4. suspension
 - 5. demotion, and
 - 6. dismissal

Deleted: counseling

Deleted: counseling or warning

Any or all of these steps may be utilized, depending upon individual circumstances and the nature of the infraction. Exceptions or deviations from the normal procedure may occur whenever the City deems it appropriate, case by case.

APPLICATION OF PROGRESSIVE DISCIPLINE

- A. For performance deficiencies, employees will normally be verbally reprimanded once before receiving a written reprimand. A supervisor may or may not choose to make the imposition of a verbal reprimand part of the employee's personnel file.

Deleted: counseled

Deleted: warning

Deleted: warning

If no other deficiency occurs during the next twenty-four (24) months, the employee may request the warning be removed from the personnel file. The City reserves ultimate discretion as to whether the warning will be removed from an individual's personnel file. Documents removed from individual personnel files will be retained by the City in a separate record system not filed or indexed by name which shall not be considered in personnel decisions.

- B. If a written reprimand is issued, the following procedure may be used:

1. The reprimand should be signed and dated by the employee. An employee who disagrees with the facts in the reprimand may submit a written response. It will be placed in the personnel file with the reprimand.
2. A written reprimand need not pertain to the same or similar matter (issue).
3. In addition to a written reprimand the department director may also suspend an employee without pay for a period of up to fifteen (15) working days, or take other corrective or disciplinary action deemed appropriate, including demotion and temporary reduction in pay. Prior to taking such action, the department director will (1) furnish the employee with notice of the charges and a statement of relevant facts upon which the charges are based; (2) inform the employee of the level of discipline under consideration; and (3) meet with and afford the employee an opportunity to respond to the charges and the written statement of facts which supports the proposed disciplinary action.
4. A written statement of the disciplinary action imposed and the reasons for such action shall be furnished to the employee, and a copy shall be made a part of the personnel file. The employee will sign the statement acknowledging he has received a copy of it, and may file a rebuttal statement.

Deleted: In the event of two or more performance problems or more serious violation of a City policy or rule, a

Deleted: warning may be

Deleted:

Deleted: warning

Deleted: warning

Deleted: warning

Deleted: warning

Deleted: warning,

Deleted: head

Deleted: head

- C. Discharge may result if the employee violates City policy, commits serious misconduct or fails to improve the level of performance.

DISCHARGE PROCEDURE

DISCHARGE PROCEDURE

If a department director determines there is just cause for the discharge of a non-probationary regular employee, the department director shall notify the employee of the specific reasons and that a suspension without pay and/or discharge is being considered. The employee shall be provided with the facts upon which the actions are based. The department director shall afford the employee a formal opportunity to refute the charges orally or in writing. Once the employee has been afforded an opportunity to refute the charges and explain the circumstances, the employee may be suspended without pay. If a pre-discharge conference is to be held, it will be scheduled and held at least three (3) days after notice of the proposed action has been given. The employee will be given adequate time to develop a response and to seek necessary outside assistance as the employee feels necessary. The time limits may be varied by the City to meet individual needs.

Deleted: head

Deleted: head

Deleted: head

The department director will conduct the conference and decide whether to dismiss the allegations, impose discharge, or impose a lesser degree of discipline or corrective action.

Deleted: head

APPEAL OF DISCIPLINE ACTION

RIGHT TO APPEAL FROM DISCIPLINE

Any non-probationary regular employee not serving under the conditions of an employment agreement who has been suspended, reduced in pay, demoted or dismissed, shall have the right of appeal to the City Manager. Notice of the appeal must be filed not later than ten (10) days following the effective date of the action. The Notice of appeal shall include at least the following information (a) a statement of the complaint and the facts upon which it is based, (b) the remedial action requested, (c) a statement of the reasons why the remedial action is appropriate and (d) a statement of any policies, procedures or law or rules which have not been adhered to or which should be followed. The appeal shall be heard by the City Manager within twenty (20) days after receipt of the request. The City Manager shall furnish the department head concerned with a copy of the notice of appeal in advance of the hearing.

WHO MAY APPEAL

Only non-probationary regular employees who are not serving under the conditions of an employment agreement have a right to appeal disciplinary actions. In addition to formal appeals under this Section, the City Manager may give consideration to all suggestions and complaints that concern administration of the personnel policies.

Deleted: not excluded from the application of these policies (see policy regarding probation)

INVESTIGATIONS

In connection with an appeal or complaint, with respect to any matter arising under these personnel policies, the City Manager may conduct an investigation as he deems necessary. The City Manager shall make a written report upon all matters investigated under the personnel policies. A copy will be given to the employee and placed in the file.

HEARING ON APPEAL

A. Procedure

The City Manager shall set a hearing upon timely requests made under this policy. The employee and the department director shall be given written notification of the time and place of the hearing.

Deleted: head

The order of procedure at the hearing will be as follows:

1. The employee may present evidence in support of the appeal with or without the assistance of legal counsel or other representative.
2. The department director or a designee may cross-examine or submit evidence in rebuttal or both.
3. Opening statements, if any, will be brief and confined to the issues. Closing argument, if any, will be first by the employee and then by the department director or a designee. Both parties may offer rebuttal evidence if desired.
4. Evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible. Irrelevant, immaterial or unduly repetitious evidence may be excluded. Affidavits and counter-affidavits are acceptable as evidence. If either party intends to rely on an affidavit, it shall provide the other party with such affidavit together with the name, address and telephone number of the affiant at least ten (10) days prior to the hearing or such affidavit shall be inadmissible.

Deleted: head

Deleted: head

B. Conduct of Hearings

A hearing before the City Manager is intended solely for the purpose of receiving evidence either to refute or substantiate specific charges brought to the City Manager. The hearing shall be conducted accordingly. The City Manager may impose limits on questioning in the interest of the orderly conduct of the hearing and fairness.

C. Counsel or Representative

In appealing a disciplinary action to the City Manager an employee may, but is not required to have counsel or other representative.

CITY MANAGER FINDINGS

If, after receiving evidence presented in hearings on disciplinary actions, the City Manager finds that sufficient evidence supports the charges, that the complained-of action taken by the department director was reasonable and was taken for a proper reason consistent with policy, and in the case of a discharge, is supported by just cause, the City Manager may affirm the action; if the City Manager finds that no disciplinary action should have been taken, the City Manager will remove all disciplinary sanctions and the personnel file shall reflect the City Manager's decision. As needed, the City may take action to effectuate the City Managers decision, including purging or modification of documents in the employee's personnel file. If the City Manager determines that discipline was warranted but that different discipline should have been imposed, the City Manager may modify the discipline as the circumstances warrant. the complained-of action taken by the department director was not so made, the City Manager shall fashion an appropriate remedy and the personnel file shall be purged of such record. The City Manager in lieu of affirming the disciplinary action may modify the discipline as the circumstances warrant.

Deleted: Page Break

Deleted: head

Deleted: head

At the time of filing of the request of the appeal with the City Manager, the department director shall supply the employee with an outline of the procedures used by the City Manager. The decision of the City Manager shall include findings of fact and shall be final.

Deleted: head

An employee with remedies under a labor agreement may use this appeal procedure, and may do so only if the employee and the Union waive the right to proceed to appeal under any other policy or contract law or rule.

PROCEDURAL RIGHTS RELATED TO PERFORMANCE AND DISCIPLINE FOR DEPARTMENT DIRECTORS.

Deleted: HEADS

The standards of conduct, performance and discipline to which the City holds department directors and managers is quantitatively and qualitatively different (higher) than the standards by which other employees are judged. Discussions of expectations, goals and objectives, and coaching and counseling should, in the case of management employees, be sufficient. In rare cases of misconduct, it may be that a suspension could be justified, however, ordinarily instances committed by this level of employee warrant either discharge or counseling. The City Manager is expected to insure standards are established and met, and that an appropriate combination of performance plans, evaluations and counseling are utilized to help the manager succeed. In the case of department directors and other positions serving under the conditions of an employment agreement, performance and conduct issues shall be addressed in accordance with the employment agreement.

Deleted: heads

Deleted: heads

The City Manager may refer any issue to a Hearings Officer who shall conduct the proceedings in accordance with these rules. In such event, all provisions of these rules relating the duties and authority of the City Manager shall also apply to the Hearings Officer in the conduct of the hearing. The Hearings Officer shall issue Recommended Findings which shall be reviewed by the City Manager based solely on the record and applicable law. The City Manager may adopt the Findings within twenty (20) working days from receipt of the Recommended Findings, or modify them for good and sufficient cause.

AGENDA ITEM # _____
FOR AGENDA OF April 25, 2006

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Appointments to the Planning Commission

PREPARED BY: D. Bewersdorff DEPT HEAD OK TC CITY MGR OK CR

ISSUE BEFORE THE COUNCIL

Should Council appoint Mitchell Brown to the Planning Commission and appoint Patrick Harbison as an alternate to the Planning Commission to fill corresponding vacancies with unexpired terms? Should Council appoint Jeremy Vermilyea as a second alternate to the Planning Commission with a term that expires April 30, 2008?

STAFF RECOMMENDATION

The Mayor's Appointments Advisory Committee interviewed Planning Commission applicants on April 10, 2006 and recommends appointing Mitchell Brown to the Planning Commission and Patrick Harbison as an alternate to the Planning Commission. The Appointments Advisory Committee also recommends appointing a second alternate to the Planning Commission. They recommend appointing Jeremy Vermilyea as the second alternate for a two year term.

INFORMATION SUMMARY

Mark Padgett's resignation from the Planning Commission was effective February 28, 2006. His unexpired term ends December 31, 2007. David Walsh, formerly the alternate to the Planning Commission, was appointed on December 13, 2005 to fill another vacant seat on the Commission. His unexpired term as the alternate ends December 31, 2006.

On April 10, 2006 the Mayor's Appointments Advisory Committee interviewed applicants for the 2 Planning Commission vacancies. The Committee recommends that Council appoint Mitchell Brown to serve on the Planning Commission to fill Mark Padgett's unexpired term which ends December 31, 2007, and recommends appointing Patrick Harbison as the alternate to fill David Walsh's unexpired term (as alternate) which ends December 31, 2006. They also recommend appointing Jeremy Vermilyea as the second alternate to the Planning Commission with a term that would expire April 30, 2008.

OTHER ALTERNATIVES CONSIDERED

None

VISION TASK FORCE GOAL AND ACTION COMMITTEE STRATEGY

Visioning Goal # 1 – The City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for our community.

ATTACHMENT LIST

- Attachment 1: Proposed resolution appointing Mitchell Brown to the Planning Commission and appointing Patrick Harbison and Jeremy Vermilyea as alternates to the Planning Commission.
- Attachment 2: Biographical information

FISCAL NOTES

N/A

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 06-_____

A RESOLUTION APPOINTING MITCHELL BROWN TO THE PLANNING COMMISSION AND APPOINTING PATRICK HARBISON AS FIRST ALTERNATE AND JEREMY VERMILYEA AS SECOND ALTERNATE TO THE PLANNING COMMISSION.

WHEREAS, two openings exist on the Planning Commission due to the resignation of a Planning Commissioner and the appointment of the former alternate to fill another vacant seat on the Planning Commission; and

WHEREAS, the Mayor's Appointments Advisory Committee interviewed Planning Commission applicants on April 10, 2006; and

WHEREAS, the Mayor's Appointments Advisory Committee recommends appointing a second alternate to the Planning Commission.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Mitchell Brown is appointed to the Planning Commission to fill the unexpired term of the former Planning Commissioner. This term expires December 31, 2007.

SECTION 2: Patrick Harbison is appointed to serve as the first alternate to the Planning Commission to fill the unexpired term of the former alternate. This term expires December 31, 2006.

SECTION 2: Jeremy Vermilyea is appointed to serve as the second alternate to the Planning Commission. This term expires April 30, 2008.

SECTION 4: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2006.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard



MEMORANDUM

TO: City Council

FROM: Dick Bewersdorff

RE: Biographical Information for Planning Commission Appointees

DATE: April 12, 2006

Mitchell Brown is a Litigation Claims Specialist for Safeco Insurance Co. He has a B.A. in English with a minor in Political Science from the University of Central Arkansas. He has lived in Tigard for 9 years.

Patrick Harbison is a Design Engineer and has a background as a consulting City Engineer. He has a B.S. in Engineering and has lived in Tigard for 1 ½ years.

Jeremy Vermilyea is an Attorney and Shareholder at Jordan Schrader, PC. He has a B.A. from the University of Alaska and a J.D. from Vermont Law School. He has lived in the Tigard area for several years.

Agenda Item #
Meeting Date

April 25, 2006

COUNCIL AGENDA ITEM SUMMARY
City Of Tigard, Oregon

Issue/Agenda Title Appoint Tony Tycker and Scott Deselle as citizen members, and Betty Hagan and Dennis Sizemore as citizen member alternates to the Tree Board

Prepared By: Dan Plaza Dept Head Okay DPK City Mgr Okay CR

ISSUE BEFORE THE COUNCIL AND KEY FACTS

The Council is being asked to make appointments to the Tree Board.

STAFF RECOMMENDATION

Approve the resolution making appointments to the Tree Board.

KEY FACTS AND INFORMATION SUMMARY

The Mayor's Appointment Advisory Committee conducted interviews in order to identify candidates to fill several vacancies on the Tree Board.

The resolution before the City Council would accomplish the following Tree Board appointments:

- Tony Tycker as a citizen member - term: May 1, 2006 to May 31, 2009
- Scott Deselle as a citizen member - term: May 1, 2006 to May 31, 2010
- Betty Hagan as a citizen member alternate - term: May 1, 2006 to May 31, 2010
- Dennis Sizemore as a citizen member alternate - term: May 1, 2006 to May 31, 2010

OTHER ALTERNATIVES CONSIDERED

Do not approve the resolution.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Tigard Beyond Tomorrow: Community Character & Quality of Life

Volunteerism #1) City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for our community.

ATTACHMENT LIST

1. Resolution
2. Appointee Background Information

FISCAL NOTES

There are no costs associated with this action.

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
RESOLUTION NO. 06-_____

A RESOLUTION OF TIGARD CITY COUNCIL APPOINTING TONY TYCER AND SCOTT DESELLE AS CITIZEN MEMBERS, AND DENNIS SIZEMORE AND BETTY HAGAN AS CITIZEN MEMBER ALTERNATES TO THE TREE BOARD

WHEREAS, Mr. Tycer, Mr. Deselle, Ms. Hagan and Mr. Sizemore have expressed interest in becoming members of the Tree Board; and

WHEREAS, Mr. Tycer, Mr. Deselle, Ms. Hagan and Mr. Sizemore have been interviewed by the Mayor's Appointment Advisory Committee; and

WHEREAS, two openings for citizen members and two positions for citizen member alternates exist on the Tree Board.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Tony Tycer and Scott Deselle are appointed to terms as Tree Board citizen members. Mr. Tycer's term will begin May 1, 2006 and end May 31, 2009. Mr. Deselle's term will begin May 1, 2006 and end May 31, 2010.

SECTION 2: Betty Hagan and Dennis Sizemore are appointed to terms as Tree Board citizen member alternates. Their terms will begin May 1, 2006 and end May 31, 2010.

SECTION 3: This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2006.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

**City of Tigard Tree Board
Appointee Background Information**

April 10, 2006

Scott DeSelle – Mr. DeSelle is locally employed as a landscape services supervisor. He has also been active in the Boy Scouts for the past decade. Scott DeSelle has a Bachelor of Science in Ornamental Horticulture from California Polytechnic Institute. His term as a citizen member on the Tree Board runs from May 1, 2006 to May 31, 2009.

Tony Tycer – Mr. Tycer owns and operates the “A Picture Perfect Tree Service” business. He recently served as a hospice volunteer at the Hopewell House. Tony Tycer earned his Bachelor of Science degree from Oregon State University and a Master of Arts from Pacific University. His term as a citizen member on the Tree Board runs from May 1, 2006 to May 31, 2010.

Betty Hagan – Ms. Hagan was employed in the Applied Earth Sciences field by Danes and Moores Consultants for 18 years. She has lived in Tigard for the past fifteen years. Betty Hagan currently volunteers with Northwest Medical Teams. Her term as a Tree Board citizen member alternate begins on May 1, 2006 and concludes on May 31, 2010.

Dennis Sizemore – Mr. Sizemore is a retired school administrator and currently serves as adjunct staff at Concordia College in Portland. He is a former officer with the Confederation of School Administrators. Dennis Sizemore has a Bachelor of Science in Education and a Masters of Science in Secondary Education. His term as a Tree Board citizen member alternate begins on May 1, 2006 and concludes on May 31, 2010.

Agenda Item #

Meeting Date

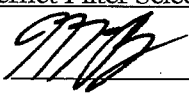
April 25, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Internet Filter - WILInet User Internet Filter Selection Agreement

Prepared By: Margaret Barnes

Dept Head Okay 

City Mgr Okay 

ISSUE BEFORE THE COUNCIL AND KEY FACTS

An Intergovernmental Agreement with WCCLS to install a filtering system that will allow each user to choose a filtered or non-filtered Internet session on the computers on the second floor of the library.

- Council approval of this agreement will allow Tigard to install the system.
- Computers in the Children's Room will remain filtered as they always have been in the existing building.
- The decision to provide optional filters does not result from any specific issue or complaint at the Tigard Library, but as part of a countywide decision to offer this service.

STAFF RECOMMENDATION

The Library requests approval from the Council to enter into the Intergovernmental Agreement.

KEY FACTS AND INFORMATION SUMMARY

- Although no filtering system is fool-proof, the WCCLS libraries have concluded that people deserve a choice.
- The system is scheduled to be installed in the next few months.
- If the agreement is approved, the Internet stations on the second floor of the library will allow users a choice between a filtered and a non-filtered session.
- The City Attorney has reviewed the agreement and did not recommend any changes.

The Tigard Library has worked with other libraries in WCCLS during the past year to investigate the option of a filter system. The Library Director provided background to the Council in a 3/29/06 memo entitled "Internet Use at the Library." With the move to the new library the use of the Internet has skyrocketed. Tripling the number of computers available has created a 202% increase in Internet use since 2003.

"Computers" and "the Internet" were the most popular response to an open-ended question about library services in the 2006 annual library patron survey. Positive comments about the service outnumbered negative comments by 6 to 1. Most of the "negative" comments involved wanting more access and more computers. Of the total 2,311 surveys returned, only two comments addressed Internet content.

The Library Board has approved an Internet Acceptable Use Policy as well as Public Computer Rules, both of which set standards for Internet use in the Library. The Board reviews these policies regularly to ensure they continue to meet the needs of the community.

Approving this agreement would allow Tigard Library patrons the same options for filtering provided to other library users in Washington County. If the Council does not approve the agreement, the system will remain as is with unfiltered work stations on the second floor and filtered stations in the Children's Room on the first floor.

OTHER ALTERNATIVES CONSIDERED

Maintain the current set-up, whereby Internet computers on the second floor are unfiltered and computers in the Children's Room are filtered.

Filter all stations, which could deny users access to critical information or to controversial material needed for educational purposes.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Vision Task Force Goal #3: Adequate facilities are available for efficient delivery of life-long learning programs and services for all ages.

ATTACHMENT LIST

1. WILInet User Internet Filter Selection Agreement
2. Exhibit A
3. Memo Regarding Public Internet Use

FISCAL NOTES

WCCLS will assume the financial impact; no financial impact anticipated for the City of Tigard.

WILInet User Internet Filter Selection Agreement

This Agreement is entered into by and between Washington County, a home rule subdivision of the State of Oregon, hereinafter referred to as "County", on behalf of Washington County Cooperative Library Services, hereinafter referred to as "WCCLS" and Tigard Public Library, hereinafter referred to as "WILInet User."

WHEREAS, the parties hereto are currently participants in the WCCLS Network; and

WHEREAS, the parties are either units of local government authorized pursuant to ORS 190.010 to enter into intergovernmental agreements, or are private non-profit agencies operating libraries; and

WHEREAS, the parties to this agreement are also parties to the Washington County Inter-Library Information Network Agreement (WILInet Agreement); and

WHEREAS, pursuant to the WILInet Agreement, WCCLS is the owner of the central site system hardware, software, and communications equipment for WILInet and is responsible for administering and maintaining the WILInet computer network; and

WHEREAS, WCCLS will be installing internet filtering hardware onto the WILInet computer network that will allow each WILInet User to independently select a level of internet filtering for its patrons that is consistent with its individual internet access policy.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

1. County, by and through WCCLS, agrees to install and maintain internet filtering hardware onto the WILInet computer network that will allow WILInet User to select a level of internet filtering that is most consistent with its own internet policy.
2. WILInet User hereby directs County, by and through WCCLS, to apply the level of internet filtering specified in Exhibit A, which is attached hereto and incorporated herein by this reference, to WILInet User's WILInet network site.

WILInet User may change its designated level of internet filtering at any time during the term of this Agreement by providing County with written notice of the requested change at the following address:

Washington County Cooperative Library Services
Library Automation Systems Supervisor
111 NE Lincoln St., Rm. 230-L
Hillsboro, Oregon 97124- 3036

Subject to the capabilities of the hardware described in Section 1 herein, County shall have ten (10) business days within which to implement any change to the designated internet filtering level requested by WILInet User.

3. Subject to the limits of the Oregon Tort Claims Act (ORD 30.260 – 30.300), WILInet User agrees to indemnify and hold harmless, Washington County, WCCLS, their

officers employees and agents from any and all claims, demands, actions and suits, including any attorney fees and costs that may be incurred by the indemnitees arising out of WILnet User's selection of its internet filtering level for the WILnet computer network, its direction to County to implement WILnet User's internet filtering level selection on the WILnet computer network, and County's actual implementation of WILnet User's internet filtering level selection on the WILnet network.

4. This Agreement shall become effective upon the date it is signed by the last signatory party and shall continue indefinitely. However, this Agreement may be terminated by either party at anytime upon 30 days advance written notice to the other party.
5. WILnet User shall comply with all federal, state and local laws, regulations, executive orders and ordinances that are applicable to this Agreement.
6. County and WILnet User are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly, or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Agreement.
7. County and WILnet User may amend this Agreement at anytime only by written amendment signed by each of the parties hereto.

WILINET USER

WASHINGTON COUNTY

Signature

Signature

Title

Title

Date

Date

Approved as to form:

Sr. Assistant County Counsel

WILInet User Internet Filter Selection Agreement

Exhibit A

Library Name: Tigard Public Library

Signature: _____

Date: _____

Apply three possible levels of filtering to public access Internet workstations running Smart Access Manager as follows:

1. **Unfiltered** access: no 8e6 categories filtered
2. **Adult Filtered** filters the following 8e6 categories: Child Pornography, Explicit Art, Obscene Tasteless, Pornography, Spyware Malicious Code
3. **Child Filtered** filters the following 8e6 categories: Alcohol, Child Pornography, Chat, Criminal Skills, Cults, Drugs, Explicit Art, Gambling, Hacking, Hate, Militant/Extremist, Obscene Tasteless, Personals/Dating, Pornography, R-Rated, School Cheating, Spyware Malicious Code, Unsavory/Dubious.

Location ID(s)	Default Filter Option	SAM drop-down menu options	Apply Polaris DoB?	If no Polaris DoB?	Two Visitor Pass Buttons?
TPLADA	Unfiltered: all will need to choose from a drop-down.	Unfiltered Adult Filtered Child Filtered	No		No: single visitor pass with default Unfiltered and drop-down with all three choices
TPLChildrens	Child Filtered	None	No		No: single visitor pass with Child Filtered level only.
TPLEast	Unfiltered: all will need to choose from a drop-down.	Unfiltered Adult Filtered Child Filtered	No		No: single visitor pass with default Unfiltered and drop-down with all three choices
TPLTraining	Unfiltered: all will need to choose from a drop-down.	Unfiltered Adult Filtered Child Filtered	No		No: single visitor pass with default Unfiltered and drop-down with all three choices
TPLWest	Unfiltered: all will need to choose from a	Unfiltered Adult Filtered	No		No: single visitor pass with default Unfiltered and

	drop-down.	Child Filtered			drop-down with all three choices
TPLYA	Unfiltered: all will need to choose from a drop-down.	Unfiltered Adult Filtered Child Filtered	No		No: single visitor pass with default Unfiltered and drop-down with all three choices
expressTPL	Unfiltered: all will need to choose from a drop-down.	Unfiltered Adult Filtered Child Filtered	No		No: single visitor pass with default Unfiltered and drop-down with all three choices

All patron filter choices apply for a single session only.



MEMORANDUM

TO: Honorable Mayor and City Council

FROM: Margaret Barnes, Library Director

RE: Internet Use at the Library

C: Craig Prosser, City Manager

DATE: March 29, 2006

The Tigard Library has provided access to the Internet for approximately ten years. Members of the community have expressed strong support for this valued resource as evidenced by their responses to the Library's annual surveys. In the 2005 survey, "computers" and "the Internet" were the most popular response to the question: What is your favorite aspect of the new library? That response outnumbered the second most popular response by nearly a 2 to 1 margin.

With the move to the new library, the use of this resource has skyrocketed with approximately 10,000 users a month using the stations. It was also the most popular response in the 2006 survey. Positive comments about the service outnumbered negative comments by 6 to 1. Most of the "negative" comments involved wanting more access and more computers. Only one comment in 106 addressed Internet content.

The Library Board and Library staff are committed to helping everyone have an enjoyable, successful library visit. They regularly review the Internet Acceptable Use Policy, Library Use Guidelines and the Public Computer Rules to ensure these policies and procedures meet the needs and rights of each individual user.

Individuals have different levels of comfort and expertise in searching the Internet. The Tigard Library has worked with other libraries in WCCLS during the past year to investigate the option of a filter system. While no filter system is fool-proof, our libraries want to offer this option to individuals. Although filtering often denies an individual access to critical information or to controversial material for educational purposes, the libraries have concluded that people deserve a choice.

This system is scheduled to be installed in the next few months. The Internet stations on the second floor of the library will provide individuals with a choice of selecting a filtered or non-filtered session. The old library had one filtered Internet station for children to use. In the new library all Internet stations in the Children's Room are filtered and would remain so.

Infrequent instances of inappropriate use of the Internet stations have been addressed conscientiously by the staff and have resulted in the exclusion of some individuals from the library. Considering the number of users accessing the Internet per month, the percentage of such instances is extremely low. The majority of comments regarding the Internet concern the desire for more time for an individual session, the ability to download even faster or requests for even more computers. The library currently has about 66 Internet stations available to the public.

The Internet has become a preferred resource for research. It provides a wealth of information for our community---from job information, to college registration, to the latest stock prices and current medical information. It also contains inaccurate sites or those that may be perceived as controversial or inappropriate by an individual user. Our professional librarians can help guide users toward accurate, authoritative sites if requested. The Internet is merely a part of the entire library collection, which provides a broad range of information on a variety of topics.

A basic premise of public libraries is that each individual has the ability to choose what they want to view or read. The role of the public library in the 21st Century is to continue to provide materials for both education and entertainment. Accomplishing this mission may at times result in confusion or misunderstanding. As a public institution the Library and the City then have a responsibility to educate the community about the critical role of its public library in providing access to a wide spectrum of information and resources.

AGENDA ITEM # _____
FOR AGENDA OF April 25, 2006

CITY OF TIGARD, OREGON
LOCAL CONTRACT REVIEW BOARD
AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Award of Contract for the Construction of the SW 93rd Avenue Sanitary Sewer (Sewer Reimbursement District No. 36)

PREPARED BY: Vannie Nguyen DEPT HEAD OK: Agustin P. Duenas CITY MGR OK: Craig Prosser

ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD

Shall the Local Contract Review Board approve the contract award for the construction of the SW 93rd Ave Sanitary Sewer?

STAFF RECOMMENDATION

Staff recommends that the Local Contract Review Board, by motion, approve the contract award to **Dunn Construction** in the amount of **\$465,012.00** and authorize an additional amount of \$46,501.20 to be reserved for contingencies and applied if needed as the project goes through construction. The total amount committed to the project is therefore **\$511,513.20**.

INFORMATION SUMMARY

On March 28, 2006, City Council approved the formation of Sewer Reimbursement No. 36 to provide sewer service to 28 lots along 93rd Avenue, Elrose Court and Mountain View Lane south of McDonald Street. The requested approval would award the contract for the construction of the sewer. Through the City's Neighborhood Sewer Extension Program, the City will install public sewers to each lot within the Reimbursement District and the owners will reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, each owner will be required to pay a connection fee, currently \$2,635, before connecting to the line.

This project was advertised for bids on March 28 and March 30, 2006 in the Daily Journal of Commerce and the Times respectively. No addendum was issued for the project. The bid opening was conducted on April 11, 2006 at 2:00 PM and the bid results are:

Dunn Construction	Gresham, OR	\$465,012.00
Kerr Contractors	Woodburn, OR	\$540,816.50
Landis & Landis Construction	Portland, OR	\$573,023.00
Engineer's Estimate Range		\$433,867 to \$498,947

The responsive bid submitted by Dunn Construction in the amount of \$465,012.00 is within the range of the Engineer's estimate. It is 7.1% higher than the low and 6.8% lower than the high estimate. Although the low bid falls within the expected range, Dunn Construction has indicated that wages, oil and fuel costs have increased 20% since December 2005. This increase is reflected in Dunn Construction's bid amount and has apparently been a major factor in the much higher bids submitted by the other two contractors.

The low bid submitted by Dunn Construction appears to be reasonable, and is much lower than the other two bids. Staff recommends approval of the contract award to Dunn Construction.

OTHER ALTERNATIVES CONSIDERED

None

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

The project is part of the Citywide Sewer Extension Program established by City Council to provide sewer service to developed but unserved residential areas in the City. It meets the Tigard Beyond Tomorrow Growth and Growth Management goal of "Growth will be managed to protect the character and livability of established areas, protect the natural environment and provide open space throughout the community." Sewer service enhances the environment and protects the health of the residents by providing for the closure of septic systems 40 to 50 years old.

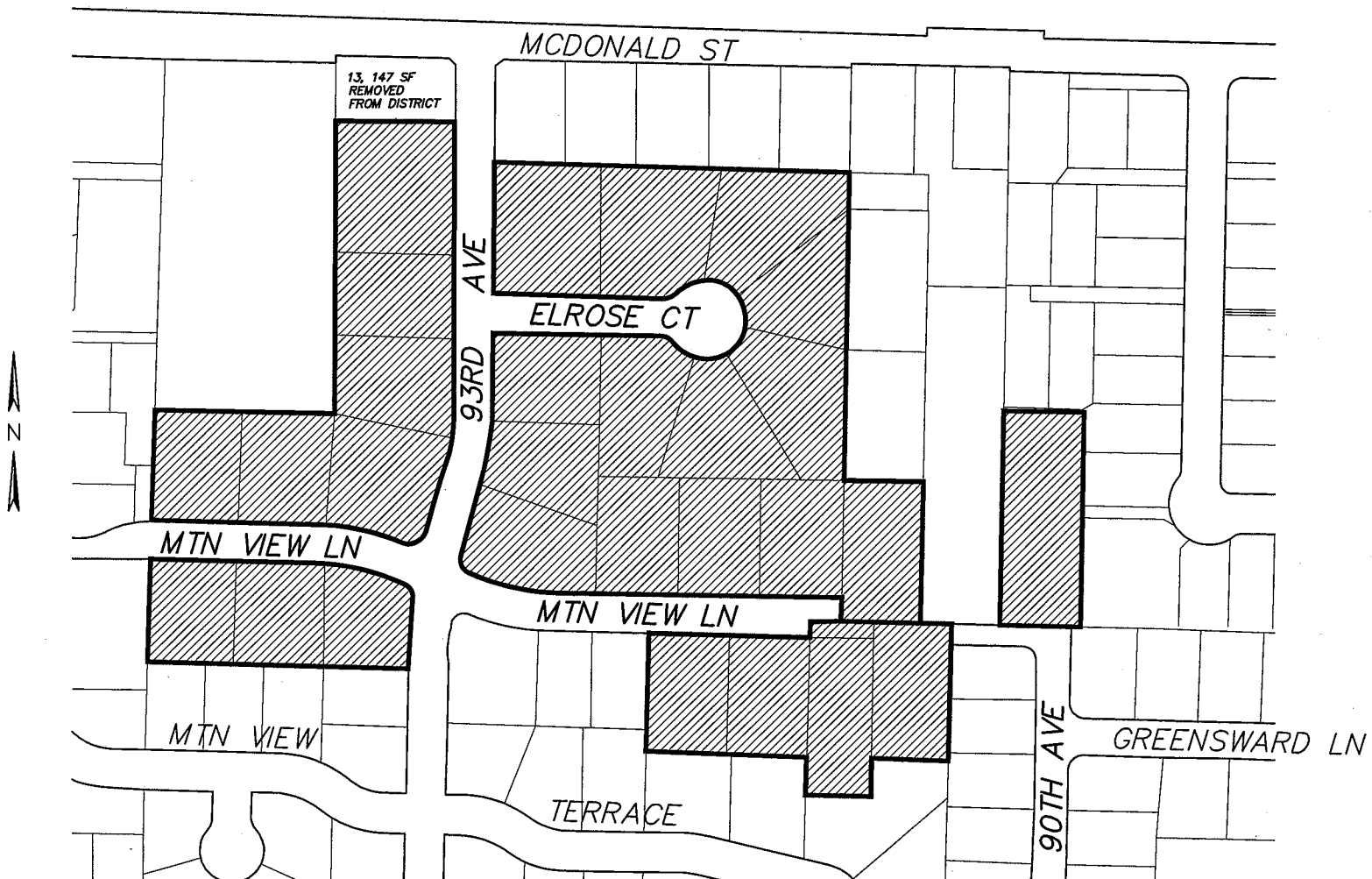
ATTACHMENT LIST

Project location map.

FISCAL NOTES

The amount of \$2,500,000 is available in the FY 2005-06 Citywide Sewer Extension Program for this and other sewer extension projects. The approximate remaining fund balance of \$2,000,000 is sufficient to award a contract of \$465,012.00 to Dunn Construction and reserve a contingency amount of \$46,501.20 for the project.

93RD AVENUE
FY 2005-06 SANITARY SEWER EXTENSION PROGRAM
REIMBURSEMENT DISTRICT NO. 36
A PORTION OF THE SW 1/4 SECTION 2 T2S R1W W.M.



VICINITY MAP

AGENDA ITEM # _____
FOR AGENDA OF April 25, 2006

CITY OF TIGARD, OREGON
LOCAL CONTRACT REVIEW BOARD
AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Award of Contracts for Civil Engineering Services on an as-Required Basis

PREPARED BY: Vannie Nguyen DEPT HEAD OK : Agustin P. Duenas CITY MGR OK: Craig Prosser

ISSUE BEFORE THE LOCAL CONTRACT REVIEW BOARD

Shall the Local Contract Review Board approve three contract awards for Civil Engineering Services on an as-required basis?

Staff also requests that the City Manager be authorized to execute contracts with the firms for projects up to and including \$50,000. Projects exceeding \$50,000 will be submitted for contract award by the Local Contract Review Board prior to commencement of work.

STAFF RECOMMENDATION

That the Local Contract Review Board approve, by motion, the contract awards to the following Civil Engineering firms:

- **Century West Engineering Corporation**
- **Group McKenzie**
- **W&H Pacific**

INFORMATION SUMMARY

Contract awards to the three firms will reduce the amount of staff time expended on Request for Proposal processes and enhance the Engineering Department's ability to meet the heavy project workload in Fiscal Year 2005-06 and beyond. The services provided by the firms will be on an as-needed basis for the provision of survey, engineering design and construction management for the improvements to public street, sanitary sewer, storm sewer and other City and public facilities.

The workload in the Engineering Department's Capital Improvement Division is exceptionally heavy and has been during the past few years. The Division staff has not increased to keep pace with the project workload. The FY 2005-06 Capital Improvement Program (CIP) identifies 41 projects to be designed, managed and inspected by the Division. Of the 41 projects, 13 projects have been constructed, 3 are under construction, 9 have been designed, and the remainder are either in the initial design stages or have not been started. These remaining projects have been proposed to be carried over to FY 2006-07. The FY 2006-07 CIP proposes 40 public improvement projects, including the carry-overs, to be completed by the Division by the end of the fiscal year. Contracting with consultants through the Request for Proposal process for each project is cumbersome, time-consuming, and expensive.

To expand the Division's capability to meet the current project demands in a way that does not commit the Engineering Department to long-term employment, staff proposes pre-qualification of engineering firms capable of promptly responding to meet the project delivery schedules. This pre-qualification process eliminates the need for the typical Request for Proposal for each specific project.

On March 29, 2006, thirteen engineering firms submitted their proposals in response to a Request for Proposal to provide services for survey, engineering design and construction management. Each proposal was separately evaluated by four Engineering staff and the three highest-rated firms (Century West Engineering Corporation, Group McKenzie, and W&H Pacific) were invited to meet with the selection committee and further elaborate on their proposals.

Based on the evaluation of the firms' proposals and presentations, staff has determined that all three firms have the capabilities, staffing, experience and compensation requirements sufficient to perform the required services. Staff recommends award of the contracts to all three firms.

The contracts will be for an initial term of two years after Local Contract Review Board approval and may be renewed for two additional one-year terms. Below are some potential projects that may be performed by the engineering firms:

- 72nd Avenue/Dartmouth Street Signalization
- Durham Road/108th Avenue Signalization
- 79th Avenue Storm and Sanitary Sewer Outfalls
- Sanitary Sewer Extensions (i.e. 97th Avenue, 100th Avenue, Cherry Street, Varn Street, Hoodview Drive Reimbursement Districts)
- Bull Mountain/Roshak Road Intersection
- Washington Square Regional Center Trail
- Downtown Gateway Treatments
- Hall Boulevard at McDonald Street Right-turn Lane Widening
- Tigard Triangle Street Improvement Local Improvement District
- Burnham Street Improvements
- Ash Avenue Feasibility Study
- Ash Avenue Construction (Burnham Street to Railroad Tracks)

Projects assigned to the firms will be on an as-needed basis. Once a project is assigned to a firm, the firm will prepare and submit a cost proposal to the City for review and approval. To further streamline the process and expedite project implementation, staff recommends that the City Manager be authorized to execute contracts with the firms for projects up to and including \$50,000. Projects exceeding \$50,000 will be submitted for contract award by the Local Contract Review Board prior to commencement of work.

OTHER ALTERNATIVES CONSIDERED

Reject all proposals and prepare a Request for Proposal for each project. However, the process is not cost effective and may cause delay to project delivery schedules due to staff time spent on requesting, evaluating, and awarding separate proposals.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Some of the proposed projects meet the Council Goal to "Implement Downtown Plan," and the Tigard Beyond Tomorrow Transportation and Traffic Goals of "Improve Traffic Safety" and "Improve Traffic Flow".

ATTACHMENT LIST

None

FISCAL NOTES

Award of the contracts will not require funding until projects are assigned to the selected firms. Funding for assigned projects will be through the respective project budgets.

i:\eng\2005-2006 fy cip\rip - civil engineering services d\c 2-21-06 tt 2-23-06\council\4-25-06 engineering services lcrb ais.doc

Agenda Item # _____

Meeting Date _____

April 25, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title _____ Presentation of Lifesaving Awards to Three Citizens Responsible for Saving the Life of an Automobile Crash Victim Whose Car was on Fire

Prepared By: _____ Jim Wolf _____ Dept Head Okay mm City Mgr Okay CP

ISSUE BEFORE THE COUNCIL AND KEY FACTS

The Police Department requests that the City Council formally recognize and present life-saving awards to Tigard resident Kevin McAninch and two Metro West Ambulance attendants, Jeremi Ruda and Robert Berdan. Tualatin Valley Fire and Rescue has also requested to participate in this recognition event.

The City Council is requested to present these 3 individuals with heroism awards.

STAFF RECOMMENDATION

Formally recognize the heroic actions of the three citizens and present life saving medals to each of them.

Afford Tualatin Valley Fire & Rescue an opportunity to participate in this recognition program.

KEY FACTS AND INFORMATION SUMMARY

On March 12th, a speeding driver slammed into the back of Judith Folgate's car causing the vehicle to burst into flames. Three citizens quickly stopped and rushed to help. Acting as a team, one of the men worked to shield the other two men from the heat and raging fire as the others worked quickly to extricate Judith from the car, which by this time was engulfed in flames. The crash tragically claimed the life of Judith's friend, who was a passenger in the car. However, Judith Folgate's life was saved and her injuries, while serious, would have been more extensive, if not fatal, were it not for the swift action and determination of these three brave citizens.

OTHER ALTERNATIVES CONSIDERED

No alternatives considered.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

N/A

ATTACHMENT LIST

No attachments.

FISCAL NOTES

The three life-saving medals have a cost of approximately \$270.00.

Agenda Item #
Meeting Date

APRIL 25, 2006

COUNCIL AGENDA ITEM SUMMARY
City of Tigard, Oregon

Issue/ Agenda Title FIRST QUARTER COUNCIL GOAL UPDATE

Prepared By: Joanne Bengtson JY Dept Head Okay CP City Mgr Okay CP

ISSUE BEFORE THE COUNCIL AND KEY FACTS

Progress report on the Council goals for the first quarter of 2006

STAFF RECOMMENDATION

Review the update.

KEY FACTS AND INFORMATION SUMMARY

Attached are brief summaries of the progress made on the goals developed by Council in January 2006.

OTHER ALTERNATIVES CONSIDERED

N/A.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Goals are identified throughout the document.

ATTACHMENT LIST

1- First Quarter Goal Update Report.

FISCAL NOTES

N/A

2006 Quarterly Goal Update

1. Revise City of Tigard Comprehensive Plan

- Complete draft by year end

1st Quarter Update:

A Senior Planner was hired in January to develop and lead the work program. The work program was reviewed by City Council and Planning Commission in February; Planning Commission is the project Steering Committee. The Public Involvement structure was reviewed by the Committee for Citizen Involvement and Planning Commission in February and March.

Project launches (Phase I) in April:

- Cityscape article series starts
- Data collection on current conditions begins in April
- Define Issues and Values
 1. Review of previous surveys and Tigard Beyond Tomorrow
 2. Proposals solicited for Community Attitudes Survey consultant; selection and contract to be finalized; survey occurs April-May.

2. Implement Downtown Plan

- Implement catalyst projects including improvements to Burnham Street and identify and purchase land for a Downtown public gathering place.

1st Quarter Update:

Streetscape Enhancement Program

- Solicited RFP and entered into contract with OTAK, Inc. for a Comprehensive Streetscape Design contract.
- Coordinated design and public involvement process for Streetscape Design in the Downtown (ongoing until completion July '06)
Benchmarks: Contract executed December '05. Contract to be completed: July '06.

Hall Boulevard Downtown Gateway

- Identified opportunity to provide design input with Washington County for the Hall Blvd/99W Intersection.
- Amended Streetscape Contract to have OTAK, Inc. assist the City in identifying design modification including pedestrian improvements, landscaping and a potential Gateway.
Benchmarks: Contract executed: March '06. Anticipated completion: November '06.

Burnham St Improvements

- Development of a Downtown Implementation Strategy to prioritize Catalyst Project, CIP Projects, and actions to undertake redevelopment.
Benchmarks: Began Strategy: January '06. Completed (draft): March 15. Anticipated review by CCAC and City Council: April '06.
- Prioritize work with Streetscape Consultant (OTAK, Inc.) to identify design options and build consensus for Burnham Street.
Benchmarks: Began: December '05. Anticipated completion time: April '06.

- Identify funding sources and design/construction schedule for Burnham Street for FY 06-07 Capital Improvement Project (CIP) Budget.

Benchmarks: Began: December '05. Anticipated completion: May '06.

Fanno Creek Public Area

- Pursuing acquisition in FY 05-06 of floodplain properties in the area of the proposed public gathering place adjacent to Fanno Creek Park.
Benchmarks: Begin discussions with property owners: February '06 Anticipated completion of negotiations: June '06.
- Prioritize the master planning of Fanno Creek Park and its connection to Downtown for FY 06-07 pending funding availability.

Benchmarks: Proposed for Budget FY '06-07. Anticipated completion: June 30, '07.

- Work to assure passage of the Urban Renewal Plan Ballot measure *

***THIS GOAL IS DIRECTED TO CITY COUNCILORS, NOT CITY STAFF. STAFF CANNOT PROMOTE OR OPPOSE BALLOT MEASURES IN THE COURSE OF THEIR WORK. THE FOLLOWING ITEMS ARE EFFORTS THE STAFF HAS MADE TO PROVIDE IMPARTIAL, FACTUAL INFORMATION TO CITIZENS.**

- Update the City's website to include section on Downtown, the Tigard Downtown Improvement Plan and Urban Renewal
Benchmarks: Started website update January '06. Anticipated completion: March 22, '06
- Coordinate the production of a video to convey ideas and information about the Tigard Downtown Improvement Plan, its formation and Urban Renewal
Benchmarks: Began video production December '05. Anticipated completion: March 30, '06.
- Write features articles on the Downtown and Urban Renewal in the Cityscape publication.
Benchmarks: Wrote articles for Cityscape publication on Downtown and Urban Renewal which were included in included February, March, April and May issues.

- Identify and make changes to the Tigard Development Code needed to implement the Downtown Plan (e.g., zoning overlays, design standards)

- Prepare a work program to begin FY 06-07 to include 1) identifying preferred quality of development, 2) reviewing recommendations of the Tigard Downtown Improvement Plan, 3) devising new or modifying existing land use regulations, and 4) coordinating stakeholder involvement.

Benchmarks: Anticipated time of completion: May 30, '06

- Complete work program tasks 1) identify desired quality of development 2) review recommendations of Tigard Downtown Improvement Plan.

Benchmarks: Anticipated completion: June 30, '06

- Apply for a TGM Code Assistance Grant to provide consultant assistance in accomplishing the work program.

Benchmarks: Anticipated completion of grant proposal: May 30, '06

2. Improve 99W Corridor

- Complete Transportation Growth Management (TGM) Corridor Study

1st Quarter Update:

The City staff has been working with ODOT to develop a detailed statement of work for the Highway 99W Corridor Improvement and Management Plan. The statement of work has been completed and the selection of the consultant to perform the work will be conducted during the next few weeks. The actual work to develop the plan is expected to begin by June 1, 2006. The duration of the study is up to 13 months after notice to proceed.

- Continue Greenburg Road intersection project

1st Quarter Update:

An alternatives analysis was conducted to examine circulation issues and impacts of various alternatives aimed at improving performance at the Greenburg Road/Highway 99W/Main Street intersection. A draft report has been prepared, which will be presented to Council at the April 18, 2006 workshop meeting. The draft report has been provided to the Transportation Financing Strategies Task Force.

- Continue Hall Boulevard intersection project

1st Quarter Update:

The project is entering into the design phase with construction expected to begin in spring 2007. The design work and right-of-way acquisition for the intersection widening will be ongoing during the next 12 to 18 months. Because the intersection is a major portal into the Tigard downtown area, the City will be working closely with the Oregon Department of Transportation (ODOT) and Washington County to ensure that the project complements and supports the Downtown Improvement Plan. OTAK, the Downtown Streetscape Design Consultant for the City, will be preparing conceptual designs to enhance pedestrian movement at this portal. Those design elements will be provided to the County and ODOT for possible incorporation into the design and construction of the intersection project.

Other Important Goals for 2006

- **Improve Communication and Relationship with Citizens**
 - Implement the new neighborhood program throughout the City

1st Quarter Update:

The Neighborhood Program moved forward as Liz met with the School Board in January, and has met with and scheduled meetings with the Parent-Student Organizations (PSO) in the three pilot areas in March.

- Conduct a city-wide scientific survey/report card on City services

1st Quarter Update:

The City has chosen Riley Research to prepare and conduct a comprehensive, scientific community survey to get better information about citizen concerns. This first survey, to be conducted the week of May 14, 2006, will help to guide the City's efforts to update its Comprehensive Plan, but will also form a baseline for biennial surveys to help us gauge our progress at meeting citizen needs.

- Connect Council with students in schools

- **Consider Opportunities for Major Greenspaces Purchases**

- Purchase first-refusal options
- Explore School District property exchange

Quarter 1 Update:

The Park and Recreation Advisory Board conducted a comprehensive land acquisition process that evaluated properties in and around the Tigard community. The Fowler School property was identified as high priority by the Board. The Advisory Boards goal is to preserve and protect the Fowler School greenway property as well as the developable, upland property.

Currently there are fourteen (14) properties being evaluated (seven (7) greenway properties totaling 36.97 acres, and seven (7) "active" park properties totaling 14.3 acres). Appraisals and Level One Environmental Reports are being ordered, and negotiations continue with owners.

The City and the School District are currently working collaboratively to identify a mechanism(s)/ process that will ensure that the entire Fowler School site will remain in public ownership. It is anticipated that eventually, an Intergovernmental Agreement will be created that will enable this to happen.

The School Board is conducting a process aimed at identifying surplus property within the District. Fowler School will be discussed at a meeting to be held in April. City staff will be at that meeting.

Metro is conducting a land acquisition bond measure in November 2006. A portion of the bond measure is dedicated to local share distribution.

- **Clarify City's Position on the Provision of Urban Services to Unincorporated Areas and in the Best Interests of the Citizens of Tigard**

1st Quarter Update:

At the meeting on March 28, 2006, the City Council decided to terminate the Urban Services Intergovernmental Agreement with Washington County whereby the City provided building permits and inspections and development services to the unincorporated portions of Bull Mountain. It is important to note that the termination of the development services intergovernmental agreement does not indicate a change in the City's long stated policy and the underlying Urban Services Agreement with Washington County and other urban services provider to be the ultimate provider of services to the Bull Mountain area.

The City will continue to annex land within that area as property owners request annexation and as allowed by law.

- **Secure Long-Range Water Source(s)**

Quarter 1 Update:

The City continued participation in the Hagg Lake expansion study. Council will need to decide during the 3rd quarter if we wish to continue into the construction process.

Secured a joint funding agreement with Lake Oswego for addition evaluation of a joint project.

Continued participation in the Willamette River Water coalition to protect and develop our water rights.

Successfully negotiated a shorter term contract with Portland to provide transition to an alternate source(s).

- **Stabilize Financial Picture**

- Review Financial Strategy Task Force recommendations
- Take appropriate action to control costs

Quarter 1 Update:

At the end of last year's budget process, the City Council appointed a task force made up of citizen members of the City's Budget Committee plus representatives of each of the City's other boards and committees. This citizen task force met over an 8 month period to review the City's financial situation. They concluded that the City's financial affairs are well managed and that the City is not providing any unnecessary services. They recommended that the City contract for outside performance audits to review selected city services and to develop recommendations for improvements. The 2006-07 proposed budget includes a request for \$75,000 to pay for up to two performance audits to accomplish these purposes. The task force also recommended that the City continue its past practice of making sure that all fees and charges are kept current and recover the full cost of providing services for which they are charged. The City will continue with this practice by reviewing all fees and charges annually as required by City Code.

AGENDA ITEM # _____
FOR AGENDA OF April 25, 2006

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Annual Volunteer Program Highlights Presentation

PREPARED BY: Bob Roth DEPT HEAD OK em cl CITY MGR OK cl

ISSUE BEFORE THE COUNCIL

The annual Volunteer Program presentation informs the City Council and community about recent accomplishments and ongoing activities.

STAFF RECOMMENDATION

No action required; information only.

INFORMATION SUMMARY

Current City of Tigard volunteers provide an array of services at Department facilities, field locations, and from their homes. Individual volunteers and community partnerships leverage staff and financial resources to achieve significant outcomes such as enhancing public safety through Reserve Program officer patrols, facilitating Library operations, and improving water quality through restoration projects. Volunteering also serves to increase interactions between residents and expand cooperation between generations. The 2006 Volunteer Highlights Presentation will provide several examples of volunteers' commitment and involvement.

OTHER ALTERNATIVES CONSIDERED

None.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

GOAL: City will maximize the effectiveness of the volunteer spirit to accomplish the greatest good for our community.

ATTACHMENT LIST

Powerpoint Presentation

FISCAL NOTES

None

AGENDA ITEM # _____
FOR AGENDA OF April 25, 2006

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Quarterly Update on the Current Status of the Emergency Management Program in Tigard

PREPARED BY: Dennis Koellermeier DEPT HEAD OK *DK* CITY MGR OK *cl*

ISSUE BEFORE THE COUNCIL

An update on emergency management.

STAFF RECOMMENDATION

No action required. Informational only.

INFORMATION SUMMARY

The City of Tigard continues to work on emergency preparedness and would like to provide an update on the following activities:

Tigard/OCEM Partnership

The Office of Consolidated Emergency Management (OCEM) seeks to consolidate the efforts of participating jurisdictions into an integrated system to prepare for, respond to, recover from, and mitigate disasters. The City's partnership in OCEM has improved Tigard's disaster and emergency coordination and preparedness. In June, the City will participate in a practice exercise, using a domestic terrorism scenario. This event will serve to:

- help staff evaluate incident plans, procedures, and equipment
- familiarize emergency response personnel with their responsibilities
- help the City assess its ability to provide critical services during an emergency

CERT Training for Citizens & Staff

Tigard's Community Emergency Response Team (CERT) program began its fifth citizen class and the first of several classes for City staff. Volunteer and staff trainees receive 24 hours of training and give the city greater depth and resources in the area of emergency management. These individuals would be invaluable should the City experience a severe disaster or event in which emergency resources are overwhelmed.

CERT Community Presentations

The CERT sponsored 72-hour preparedness presentations have, over the last 12 months, reached over 200 citizens.

OTHER ALTERNATIVES CONSIDERED

None.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Tigard City Council, Other Important Goals for 2006

Improve Communication and Relationship with Citizens

Tigard Beyond Tomorrow, Public Safety

Goal #2: The community will be trained and prepared for emergencies

Strategy #1: Develop community-wide program to train citizens to be self-sufficient for the first 72 hours after an emergency.

Strategy #2: Coordinate Tigard emergency response providers.

ATTACHMENT LIST

1. Sample outreach brochure
2. Map of CERT graduates by location
3. OCEM program objectives

FISCAL NOTES

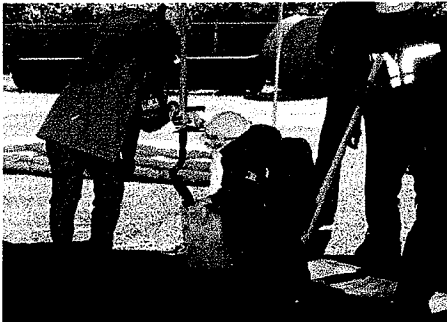
The City of Tigard's emergency management program is primarily funded through the City, with \$6000 allocated to the FY 04/05 budget and the same amount proposed for the FY 05/06 budget. OCEM annual membership dues are \$36,100.

The CERT program is 95% federally funded through a Department of Homeland Security (DHS) and Federal Emergency Management Administration (FEMA) grant. The grant is overseen by Oregon Department of State Police and Oregon Emergency Management (OEM) and managed by the City's CERT Coordinator. Since FY 04/05 the City has been awarded \$1750. The City is awaiting confirmation for additional federal grant money to support this program in FY 06/07.

GET PREPARED
GET TRAINING
VOLUNTEER
Make a Difference!



Disaster Medical Training



Sandbagging



Fire Extinguisher Training

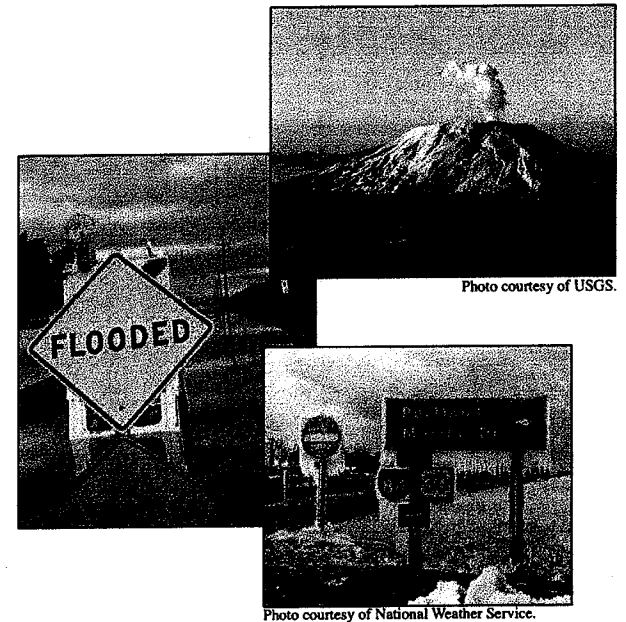
1 800 VOLUNTEER.COM

Check it out.

PREPARE
FOR THE
UNEXPECTED

Join a life-saving team.

*Help yourself,
your family and
your community.*



citizen★corps

www.citizencorps.gov

GET PREPARED • GET TRAINING • VOLUNTEER

What Can I Do to Help My Family and My Community?

You can take simple steps to be prepared for emergencies, get training in basic first aid, and volunteer to help local emergency responders. Here are some ways you can get involved through your local Citizen Corps Council:

PREPARE yourself and your family: get a kit, make a family plan, and be informed about potential threats and emergencies. To learn more about how you can prepare, visit www.ready.gov.

GET CONNECTED to disaster volunteer groups through your Citizen Corps Council, so that if something happens, you can get help in an organized manner.

HELP OTHERS get prepared, especially those with special needs, who may need extra assistance.

Tips for Wise Volunteering

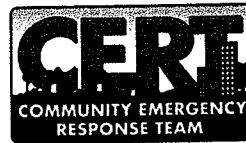
Give voice to your heart through your giving and volunteering! Bring your heart and your sense of humor to your volunteer service, along with your enthusiastic spirit, which is itself a priceless gift. What you'll get back will be immeasurable!

- Research the causes or issues important to you. Look for a group that works with issues about which you feel strongly.
- Consider the skills you have to offer. If you enjoy physical work, have a knack for teaching or just enjoy interacting with people, you may want to look for volunteer work that would incorporate these aspects of your personality.
- Volunteering can give you the opportunity to meet other goals in your life: You can learn a new skill, meet new people, spend time together as a family, even lose a few pounds by choosing an active volunteer opportunity!



Citizen Corps Programs offer many ways to get prepared, get training and volunteer. To learn more about these programs, visit: www.citizencorp.com.

Citizen Corp Programs:



Community Emergency Response Team (CERT) also known as: Neighborhood Emergency Teams (NETs), Neighborhood Emergency Response Teams (NERTs), and (HEARTs), these programs educate people about disaster preparedness and trains them in basic disaster response skills, such as fire safety, light search and rescue, and disaster medical operations. Join a community emergency response team in your area to help people immediately after a disaster and to assist emergency responders whenever needed.



Volunteers in Police Service works to enhance the capacity of state and local law enforcement to utilize volunteers. VIPS serves as a gateway to resources and information for and about law enforcement volunteer programs.



Medical Reserve Corp strengthens communities by helping medical, public health and other volunteers offer their expertise throughout the year as well as during local emergencies and other times of community need.



The Fire Corps promotes the use of citizen advocates to enhance the capacity of resource-constrained fire and rescue departments by providing fire safety, prevention education, and other non-operational duties in the community.



Neighborhood Watch

Join a **Neighborhood Watch** group to help with crime prevention, terrorism awareness, and neighborhood emergency preparedness.



FY 06-07 Program Objectives
Office of Consolidated Emergency Management
for Washington County
 (Second Draft – January 7, 2006)

FY 06-07 OCEM Team Priorities

Project Description	Related Strategic Goal(s)	Assigned To
Complete development of the following elements of the County's Emergency Operations Plan: ➤ Public Health Annex ➤ Mental Health Annex ➤ Communications Annex ➤ Population Protection Annex ➤ Debris Management Annex ➤ Transportation Annex ➤ EMS Resource Management Annex ➤ Emergent Volunteer Management	Comprehensive Plans Comprehensive Plans Comprehensive Plans Comprehensive Plans Comprehensive Plans Comprehensive Plans Comprehensive Plans Comprehensive Plans	Scott/Steve Steve Sharon/Doug Scott/Steve Mary/Mike L Mary Steve/Jeff Sue/Steve
Support design and conduct of TOPOFF 4, the national homeland security exercise	Training and Exercise	All
Design and conduct a special purpose forum in 2006	Public Education OCEM Leadership	TBD
Support efforts to develop a regional mass evacuation plan	Comprehensive Plans	TBD
Develop an inventory of special needs populations in Washington County	Comprehensive Plans	TBD
Compile a list of Washington County organizations that are potential applicants for assistance under FEMA's Public Assistance program	Comprehensive Plans	Steve/Mike M./Scott

FY 06-07 OCEM Director Priorities

- Coordinate county involvement in the DHS UASI grant program process
- Coordinate any countywide DHS HSGP grant application process
- Coordinate implementation of the National Incident Management System
- Conduct directed emergency management outreach to non-OCEM partner cities, special districts, and others

FY 06-07 Jurisdictional Priorities

Washington County

- Coordinate County implementation of NIMS
- Facilitate and/or conduct training of County staff to meet FY06 NIMS training requirements for ICS 100, ICS 200, IS 700, and IS 800
- Facilitate and/or conduct training of County staff to meet EMPG training requirement for AWR-160 WMD/Terrorism Awareness
- Implement the County's Natural Hazard Mitigation Action Plan
- Coordinate any County application for FY07 Pre-disaster Mitigation Grant funds
- Manage the EMPG grant
- Facilitate and/or conduct training of the EOC Finance Section

Washington County Sheriff's Office

- Facilitate and/or conduct training of sheriff's office staff to meet FY06 NIMS training requirements for ICS 100, ICS 200, IS 700, and IS 800
- Facilitate and/or conduct training of sheriff's office staff to meet EMPG training requirement for AWR-160 WMD/Terrorism Awareness
- Formulate and present to E-Staff a proposal for a Sheriff's Office Disaster Planning Team
- Manage grants awarded to the County including LETPP, UASI, and Byrne

Washington County DLUT

- Facilitate and/or conduct training of DLUT staff to meet FY06 NIMS training requirements for ICS100, ICS 200, IS 700, and IS 800
- Facilitate and/or conduct training of DLUT DOC Finance Section
- Facilitate resource directory training with agency staff
- Coordinate joint structural collapse training with TVF&R and LUT equipment operators

City of Beaverton

- Facilitate and/or conduct training of City staff to meet FY06 NIMS training requirements for ICS 100, ICS 200, IS 700, and IS 800
- Facilitate and/or conduct training of City staff to meet EMPG training requirement for AWR-160 WMD/Terrorism Awareness
- Facilitate and/or conduct at least 3 Basic CERT classes and 6 advanced CERT training sessions
- Facilitate and/or conduct training of City staff to meet established City training requirements for staff with EOC assignments
- Manage Grants awarded to the City including LETPP, EMPG, UASI, and PDM.
- Participate in the development and conduct of a multi-jurisdiction CERT Rodeo

City of Hillsboro

- Conduct NIMS ICS classes to meet DHS requirements and internal (city) goals (IS-100, IS-200, IS-300, IS-400, IS-700, IS-800)
- Expand and maintain CERT program

- Conduct at least 5 sessions of initial CERT training (3 adult, 1 employee, and 1 high school), 10 follow-on training sessions, and 4 team-building sessions
- Represent Forest Grove CERT program in UASI grant process
- Participate in UASI-funded Citizen Corps activities
- Integrate CERT, ARES, Fire Corps, and VIPS volunteers into public safety training/exercises and city-sponsored events
- Prepare for TIPOFF and TOPOFF exercises
 - Participate on county-wide and city design teams
 - Conduct EOC, IMT, and Policy Group staff training
 - Participate in JWC/Water Department and other preparatory tabletop exercises
- Work on Natural Hazard Mitigation Plan
- Expand and maintain WECAER group
- Coordinate and implement plan for alternate EOC in Hillsboro Police Department's West Precinct building

City of Tigard

- Facilitate and/or conduct training of select City staff to meet FY06 NIMS training requirements for ICS100, ICS 200, IS 700, and IS 800
- Facilitate and/or conduct at least 4 sessions of initial CERT training (2 adult, and 2 employee), and coordinate 6 Enhanced training sessions.
- Facilitate and/or conduct training of City staff to meet established City training requirements for staff with EOC assignments in preparation for the TIPOFF and TOPOFF exercises.
- Facilitate and/or conduct outreach 72-hour Preparedness presentations once a quarter to city residents
- Facilitate the scheduled annual review/revision of the City EOP (
- Coordinate with contracted vendor to develop a City Natural Hazard Mitigation Plan that piggy-backs on the current approved County plan.
- Participate in the development and conduct of a multi-jurisdiction CERT Rodeo
- Manage Grants awarded to the City's Public Works Department including LETPP, and UASI.

Tualatin Valley Fire and Rescue

- Implement NIMS compliance plan, focusing on presenting/facilitating NIMS/ICS training:
 - ICS-100 (all non-line staff)
 - ICS-200 (selected staff)
 - IS-700 (all staff who haven't already taken it)
 - IS-800 (IMT ICs only)
- Develop/conduct IMT and FOC Training
 - Resource Ordering
 - Plans/Ops integration
 - Additional Planning Section training
 - Communications function (includes Message Center functions and new Communications Unit Leader)
 - IMT/Hazmat Team integration
 - HR: Employee/Family Welfare function
 - Company Officer In-service: Disaster ops

- City training/exercise/planning support as needed
- Continue development of service level objectives and development/evaluation of potential metrics (not a typo) systems
- EOP review/update
- Augment preparedness supplies for district facilities (pending budget approval)

AGENDA ITEM # _____
FOR AGENDA OF April 25, 2006

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Real Property Acquisition for 550-foot Zone Reservoir No. 2 Site

PREPARED BY: Brian Rager DEPT HEAD OK *DR* CITY MGR OK *cl*

ISSUE BEFORE THE COUNCIL

The Council will be asked to consider the proposed Purchase Agreement between the City and the Price family.

STAFF RECOMMENDATION

Staff recommends the Council pass a motion to approve the Purchase Agreement and authorize the City Manager to execute the document.

INFORMATION SUMMARY

The Water Distribution System Plan Map calls for a 3 million gallon reservoir to be located at a 550-foot elevation on the south and east side of Bull Mountain. This reservoir will serve local neighborhoods at and below this elevation. The City has been working over the last several years to secure a site for this new reservoir. Staff has been negotiating with Mrs. Elizabeth Price and her family for the purchase of her 2.67-acre parcel, located on the north side of Bull Mountain Road, across from the new Alberta Rider Elementary School (Tax Lot 2500, Map 2S1 09AC). This is the only vacant property of suitable size and elevation for the reservoir.

This site offers not only a location for a buried water reservoir, but also the space to construct a small pocket park. Because the reservoir will be under ground, as per the property owner's wishes, the City will actually be able to locate pocket park, complete with playground equipment, above the buried reservoir.

The property was appraised at \$1.2 million, and both the Price family and the City agree this is a fair price for the land. Attached is the final Purchase Agreement with conditions of sale that were negotiated between the City and the family.

OTHER ALTERNATIVES CONSIDERED

There are no other vacant properties in this area that would be of suitable size and elevation for this reservoir. Previously, the City attempted to place this reservoir on the Alberta Rider Elementary School property, but site constraints made this option impossible.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Tigard Beyond Tomorrow, Urban and Public Services

Water and Stormwater Goal #1 – “Actively participate in regional development of drinking water sources and adequate, innovative funding mechanisms to develop those sources for Tigard users while exploring local options for water reuse and groundwater source.” Strategy #3 – “Build identified water capital improvements.”

2005 City Council Goal #3 – Address Growth

Identify and acquire parks and open space

ATTACHMENT LIST

1. Purchase and Sale Agreement and Joint Escrow Instructions

FISCAL NOTES

The land value is \$1.2 million. These funds are budgeted in the FY '05/'06 water SDC fund, and sufficient funds will be carried over to FY '06/'07 in the event the transaction does not close before July 1, 2006.

PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS

THIS PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS ("Agreement") is entered into as of _____, 2006 (the "Effective Date"), between C. ELIZABETH PRICE and LEE GODDARD SQUIER, Trustees of the Survivor's Trust and Residuary Trust under the Price Family Living Trust dated November 4, 1984 (collectively, "Seller") and THE CITY OF TIGARD, an Oregon municipal corporation ("City").

RECITALS

A. Seller is the owner of real property in Washington County, Oregon consisting of approximately 2.67 acres and more particularly described in Exhibit "A" attached hereto and incorporated herein by reference (the "Property").

B. The City has identified the Property as having a location and elevation ideally suited for the location of a water storage reservoir which will fulfill a critical need in the City's plans for provision of adequate water supplies to its residents and others serviced by the City's water system. In addition, the City has identified the Property having characteristics of location and topography that would render it suitable for acquisition by the City for park purposes. For the foregoing reasons, the City has entered into negotiations with Seller for the sale and purchase of the Property and has advised Seller that the City would be prepared to exercise its power of eminent domain if necessary to acquire the property.

C. With the understanding that the City is prepared to exercise its power of eminent domain with regard to the Property, Seller and the City have agreed to terms and conditions for the sale of the Property to the City which are set forth in this Agreement.

NOW THEREFORE, based upon the foregoing recitals which are incorporated in the understanding of the parties set forth herein, the Seller and the City agree as follows:

AGREEMENT

1. Purchase Price. The purchase price (the "Purchase Price") to be paid by City to Seller for the Property is ONE MILLION TWO HUNDRED THOUSAND DOLLARS (\$1,200,000.00). The Purchase Price shall be payable in cash or other immediately available funds through escrow at the Closing (as that term is defined below).

2. Escrow.

2.1 Escrow Agent. Upon execution of this Agreement, the parties shall deliver a copy of this fully executed Agreement to Ticor Title Insurance Company (the "Escrow Agent"). Seller and City hereby authorize Escrow Agent to take necessary steps for the closing of this transaction pursuant to the terms of this Agreement.

2.2 Cancellation Fees and Expenses. In the event this Agreement is terminated because of the non-satisfaction of any condition set forth in Section 3 of this instrument, or in the event this Agreement is terminated because of City's default, any cancellation charges required to be paid to Escrow Agent shall be borne by City. In the event this Agreement is terminated because of Seller's default, any cancellation charges required to be paid to Escrow Agent shall be borne by Seller.

3. Conditions Precedent to City's Obligation to Close. City's obligation to close the transaction described in this Agreement is expressly contingent on satisfaction or waiver by City of all of the following conditions precedent:

3.1 Approval of Title by City.

3.1.1 Preliminary Title Report. Within five (5) days of the effective date of this Agreement, City, at City's expense, shall obtain a Preliminary Title Report issued by the Escrow Agent, describing the Property, listing the City or the City's designee as the prospective named insured, and showing as the policy amount the total Purchase Price. The Escrow Agent shall also deliver to City copies of any financing statements filed against the Property and true, correct and legible copies of all instruments referred to in such Preliminary Title Report as conditions or exceptions to title to the Property, including liens.

3.1.2 Title Objections & Notice to Seller. In the event the Preliminary Title Report should show any exceptions other than the Permitted Exceptions (defined below), City shall deliver to Seller written notice of disapproval of exceptions within ten (10) days of City's receipt of the Preliminary Title Report. Failure of City to disapprove of any exception within such time shall be deemed an approval.

3.1.3 Seller's Removal of Exceptions. In the event City shall give notice to Seller disapproving any exceptions to title, Seller, within five (5) days of written notice of disapproval by City, shall notify City in writing of those disapproved exceptions that Seller agrees to remove, or will not remove, prior to the Closing.

3.1.4 City's Remedies. In the event City gives notice of disapproval of any title exceptions and Seller gives notice to City that Seller is unable or unwilling to remove the disapproved exceptions prior to Closing, the City may, in City's sole discretion: (i) terminate this Agreement, in which event all the rights and obligations of the parties under this Agreement shall be null and void; or (ii) agree to close this transaction subject to all unremoved exceptions. In no event shall Seller be required to remove or to reimburse City for the removal of any lien or other exception to title created by City's activities with respect to the Property.

3.1.5 Permitted Exceptions {"Permitted Exceptions"}. As used herein, the term "Permitted Exceptions" means:

3.1.5.1 The standard printed exceptions contained in the Preliminary Title Report relating to zoning ordinances, building and use restrictions, reservations and federal patents, and utility easements of record.

3.1.5.2 The standard printed exception for encroachments, overlaps, boundary line disputes, and any matters which would be disclosed by an accurate survey and inspection of the premises to the extent allowed by applicable rules and regulations, unless City obtains a survey of the Property, at its sole expense, in which event City reserves the right to object to any exceptions that are disclosed by said survey.

3.1.5.3 The standard exception as to the lien for taxes, limited to the period during which Closing is scheduled to occur for which said taxes are not yet due and payable.

3.1.5.4 Any exception contained in the Preliminary Title Report to which City has not given notice of objection.

3.1.5.5 Any lien or encumbrance created by City, including any obligation of City to Seller.

3.2 Approval of Studies. City shall have one hundred twenty (120) days from the effective date of this Agreement (the "Study Period") to undertake such tests, investigations and studies of the Property as City shall deem necessary or appropriate to determine the suitability of the property for City's intended use. Seller agrees that City shall have such access to the Property as City or its agents shall require to perform such tests, investigations and studies, and Seller shall reasonably cooperate with City and its agents with regard thereto. The cost and expense of such tests, investigations and studies shall be borne by City, and City agrees to indemnify Seller from any claims, harm or loss arising out of the conduct thereof by City and its agents. In the event that City shall determine, in its absolute discretion, that the Property is not suitable for its purposes, City may terminate this Agreement by written notice thereof given to Seller at any time within the Study Period. City shall restore the property as near as practicable to its preexisting condition. Such notice shall serve as a termination of this Agreement, and the parties shall thereafter have no further obligations toward each other pursuant hereto. In the event City shall elect to terminate this Agreement as a result of such tests, investigations and studies, City agrees to provide to Seller copies of all reports thereof which City may have received at the time of giving notice of termination. The duties of the City to indemnify and provide to Seller copies of reports contained in this Section 3.2 will survive the termination of this Agreement.

3.2.1 Consultations with Seller during Study Period. During the Study Period, City agrees that it will consult with Seller with regard to the development of a plan for the proposed use of the Property by the City ("Plan of Use") that will include the proposed nature and location of improvements, landscaping, parking and fencing on the Property. Said plan will be in conformity with all applicable federal, state and City laws, regulations and ordinances relating to the proposed use of the Property by the City for reservoir and park purposes. In general, Seller and City acknowledge that the said plan will include:

3.2.1.1 Water System Improvements. Water System Improvements shall consist of an approximately three million gallon underground reservoir along with an associated inlet and outlet piping system. The City may also construct a well and a well house for aquifer

storage and recovery purposes. The water system improvements therein will be located at the southerly portion of the property in accordance with the Plan of Use.

3.2.1.2 Park Facilities. The City agrees that park improvements to be constructed on the Property will consist only of covered picnic table and bench facility, restrooms with locks that will be locked except during normal park operation hours (i.e., from dawn to dusk), swings and/or other play structures for children, walking and/or bicycle trails, and low level lighting. The park will have only the vehicle parking required by the Americans with Disabilities Act, and will not have athletic fields or field lighting.

3.2.1.3 Covenants for the Benefit of Tax Lot 2400. Under Washington County Partition Plat 2000-086, recorded as Washington County Document No. 2000094935, Seller owned Parcel 1 (Tax Lot 2400). Tax Lot 2400 was sold to Kim and Rebecca Knudeson (Knudeson). As a condition of this sale, the parties agree that the City shall be subject to covenants in favor of Knudesen as set forth in Section 6.2.2, below.

3.2.1.4 During the Study Period, the City will develop the Plan of Use. After consultation with Seller, the City shall submit the plan for review and approval in accordance with City processes. Upon approval by the City Council, this transaction may close.

3.3 Approval of City Council. The duty of the City to purchase the Property pursuant to this Agreement is contingent upon appropriate action by the City Council of the City, taken after the Study Period and approval of the Plan of Use, authorizing the closing of the transaction described herein. If the City Council of the City shall fail to grant such authorization prior to the Closing Date, the City shall give written notice to Seller of such failure of authorization in which event this Agreement shall terminate and the parties shall have no further obligations pursuant hereto.

4. Failure of Conditions Precedent. In the event of a failure of any condition precedent to City's obligation, or if City has terminated this Agreement pursuant to Sections 3.1, 3.2 or 3.3, the escrow and the rights and obligations of City and Seller under this Agreement shall terminate and be of no further force or effect except for any duties and obligations which are expressly stated in this Agreement to survive such termination.

5. Seller's Warranties.

5.1 Construction or Other Liens. Seller warrants that, at the time of Closing, no work, labor or materials have been expended, bestowed or placed upon the Property, adjacent thereto or within any existing or proposed assessment district which will remain unpaid at close of escrow or upon which a lien may be filed.

5.2 Parties in Possession. Seller warrants that, at the time of Closing, there will be no rental agreements, contracts, leases or other agreements affecting the use or occupancy of the Property.

5.3 Authority of Seller. Seller warrants that it has the authority to execute this Agreement, to enter into the escrow contemplated herein, to perform all of its obligations hereunder, and that the party executing this Agreement on behalf of Seller has been fully authorized by appropriate resolution to bind Seller to the terms and provisions hereof.

5.4 No Option or Right of First Refusal to Acquire Premises. Seller represents that no person or entity has any right of first refusal, right of first offer, option or any other form of right to acquire any interest in the Property or any part thereof.

5.5 Environmental Warranty. Seller has received no notice of any existing or pending claim or of any facts or circumstances that may give rise to any future civil, criminal or administrative proceedings against Seller relating to hazardous materials that may be present on the Property. To the best of Seller's knowledge without investigation, no hazardous materials have been discharged upon, brought upon or stored on the Property in violation of applicable law or regulations. As used herein "hazardous materials" means any substance the presence or discharge of which is regulated by any federal, state or local law.

6. Closing.

6.1 Closing Date. The closing (the "Closing") of the sale of the Property by Seller to City shall occur in escrow in the offices of the Escrow Agent within thirty (30) days of the satisfaction or waiver of the conditions set forth in Section 3 of this Agreement (the date of the Closing being the "Closing Date"). The transaction contemplated in this Agreement is "closed" when the Deed (as defined below) to be delivered by Seller is recorded, all other documents required by this Agreement are executed and delivered, and the Purchase Price is paid through escrow to Seller as provided in this Agreement.

6.2 Deliveries to Escrow Agent. In connection with the Closing, the following shall occur, and the performance or tender of performance of all matters set forth in this Section 6.2 shall be mutually concurrent conditions:

6.2.1 Seller's Deliveries. On or before the Closing Date, Seller shall deliver the following into escrow:

6.2.1.1 Statutory Warranty Deed ("Deed"), fully executed and acknowledged by Seller, conveying to City the Property free and clear of all encumbrances other than the Permitted Exceptions;

6.2.1.2 An ALTA standard coverage owner's title policy in the amount of the total Purchase Price that shall insure fee simple, indefeasible title to the Property in City, subject only to the Permitted Exceptions; provided that City shall have the right to order an ALTA extended coverage owner's policy. City shall be responsible for and pay the premium for the standard ALTA owner's policy and City shall pay the additional premium for an ALTA extended coverage owner's policy, together with all related expenses; and

6.2.1.3 Certificate executed and sworn to by Seller (a) confirming Seller's United States taxpayer identification number and (b) stating that Seller is not a "foreign person" within the meaning of Section 1445 of the Internal Revenue Code of the United States of America of 1986 and otherwise in compliance with §1.1445-2T of the regulations promulgated thereunder.

6.2.2 City's Deliveries. On or before the Closing Date, City shall deliver the following into escrow:

6.2.2.1 The full amount of the Purchase Price and such other funds as are required to pay all closing costs and prorations as described in Section 6.3 hereof;

6.2.2.2 A declaration of covenants, in recordable form, by which the City agrees to restrict the use and development of the Property for the construction, maintenance, repair and replacement of an underground water storage reservoir, the storage and recovery of water from the aquifer beneath the Property, and for a public park, as defined in 3.2.1.2, and for no other purposes, and restricting the location of improvements to be constructed on the Property by the City to the southerly portion of the property, which declaration shall be consistent with the Plan of Use of the Property developed by the City in consultation with Seller as provided in Section 3.2.1 above.

6.2.2.3 A grant of easement, in recordable form and reasonably approved by Seller, in favor of Knudeson, for the preservation of views from an existing residence located on Knudeson's real property commonly known as 13125 SW Bull Mountain Road toward the east. This easement shall be personal to Knudeson and remain in effect only while either Kim or Rebecca Knudeson is an owner of the property located at 13125 SW Bull Mountain Road and shall terminate on sale of that property by Knudeson or upon death of both Kim and Rebecca Knudeson. No building, structure, or vegetation that obscures the view shall be located in the northerly 150 feet of the property while Knudeson, or either of them, owns the 13125 SW Bull Mountain Road property. If City shall fail or refuse to take action to protect the view easement after 30 days' written notice from Knudeson, the parties agree to mediate before a mutually agreeable mediator. If a mediator cannot be agreed upon, the parties will use the US Arbitration & Mediation of Portland, Oregon. Costs of mediation shall be shared equally. If the mediation is unsuccessful, the parties may pursue all legal or equitable remedies.

6.2.2.4 A grant of access easement in favor of Knudeson's property for access to the rear or side yard of Knudeson's said property across the Property, provided however, the said access easement will not permit improvement by Knudeson of the easement area. This easement shall be personal to Knudeson and shall expire on sale of the Knudeson property by Knudeson or if by any other means neither Kim nor Rebecca Knudeson is an owner of the property.

6.2.2.5 Either proof of actual relocation, or assurances in a form and content satisfactory to Seller that relocation will occur, of a water meter serving Knudeson's said

property at 13125 SW Bull Mountain Road from its present location to an agreed location on the property served by such meter.

6.2.2.6 Approval by the City of the Plan of Use as set forth in Section 3.2 above.

6.2.2.7 Relocation of Knudeson's water meter to their adjoining property as agreed by Knudeson and City.

6.3 Closing Costs/ Prorations. City shall pay all closing costs, including escrow fees, the cost of recording the Deed, and the cost of an ALTA standard coverage owner's policy of title insurance. City shall pay the additional premium necessary for an ALTA extended coverage owner's policy of title insurance, if City shall desire such extended coverage, together with all other attendant costs for such extended coverage. City shall pay Washington County transfer taxes if applicable. Ad valorem and similar taxes and assessments relating to the Property shall be prorated between Seller and City as of the Closing Date, Seller being charged and credited for the same up to such date and City being charged and credited for the same on and after such date. If the actual amounts to be prorated are not known at the Closing Date, the prorations shall be computed on the basis of the evidence then available; when actual figures are available.

6.4 Authority Documents. City and Seller shall, if requested by the other party or the Escrow Agent, furnish satisfactory evidence of their authority to consummate the sale and purchase contemplated by this Agreement.

6.5 Possession. Seller shall deliver to City possession of the Property on the first full day after completion of the Closing.

7. Remedies.

7.1 Seller's Remedies. If City fails or refuses to perform any of its obligations under this Agreement for any reason other than failure of a condition precedent to occur or termination of this Agreement pursuant to Sections 3.1, 3.2, or 3.3, then Seller may terminate this Agreement by notifying City thereof, in which event neither party shall have any further rights or obligations hereunder, except that City shall pay Seller all legal costs and expenses as defined in Section 8.16, below, incurred by Seller.

7.2 City's Remedies. If Seller fails or refuses to perform any of its obligations under this Agreement for any reason other than termination of this Agreement by City, then City may either: (i) terminate this Agreement by notifying Seller thereof and thereafter neither party hereto shall have any further rights or obligations hereunder; or (ii) City may seek any other rights, resources or remedies (including, without limitation, specific performance) available to City, such rights, remedies and resources hereunder to be cumulative, and not in exclusion of any other.

8. General Provisions.

8.1 Time. TIME IS OF THE ESSENCE of this Agreement.

8.2 Full Authority. Subject to Section 3.3, each of the signatories to this Agreement represents and warrants that he/she has the full right, power, legal capacity and authority to enter into and perform his obligations hereunder and no approval or consents of any other person are necessary in connection herewith.

8.3 Negation of Agency and Partnership. Any agreement by either party to cooperate with the other in connection with any provision of this Agreement shall not be construed as making either party an agent or partner of the other party.

8.4 Applicable Law. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Oregon.

8.5 Statutory Disclaimer. THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMITS LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

8.6 Severability. If any provision of this Agreement shall be held to be void or invalid, the same shall not affect the remainder hereof which shall be effective as though the void or invalid provision had not been contained herein.

8.7 Modification or Amendments. No amendment, change or modification of this Agreement shall be valid, unless in writing and signed by all the parties hereto.

8.8 Waiver. Except as otherwise provided in this Agreement, failure of either party at any time to require performance of any provision of this Agreement shall not limit the party's right to enforce the provision, nor shall any waiver of any breach of any provision be a waiver of any succeeding breach of the provision or a waiver of the provision itself or any other provision.

8.9 Assignment. City shall not assign its right, title and interest under this Agreement without the prior written consent of Seller, which consent shall not be unreasonably withheld by Seller; provided, however that no such consent shall release City from its obligations hereunder.

8.10 Successors and Assigns. Subject to the provisions of Section 8.9, this Agreement shall inure to the benefit of, and shall be binding upon, the parties hereto and their respective heirs, legal representatives, successors and assigns, and the provisions of Sections 6.2.2.2, 6.2.2.3, 6.2.2.4 and 6.2.2.5 of this Agreement shall inure to the benefit of Knudeson and Knudeson's legal representatives, successors and assigns.

8.11 Notice. All notices required or provided under this Agreement shall be in writing. If mailed, notice shall be deemed effective forty-eight (48) hours after mailing as certified mail, postage prepaid, directed to the other party at the address set forth below or such other address as the party may indicate by written notice to the other as provided herein; notice given in any other manner shall be effective upon receipt by the addressee. For purposes of notice, the addresses of the parties shall be as follows:

If to the Seller:

C. Elizabeth Price and Lee Goddard Squier
4875 SW 78th Avenue, No. 241
Portland, OR 97225

With a copy to:

Robert T. Huston
Cable Huston Benedict Haagensen & Lloyd LLP
1001 S W Fifth Avenue, Suite 2000
Portland, OR 97204-1136

If to the City:

City of Tigard
Attn: City Manager
13125 S W Hall Boulevard
Tigard, OR 97223

With a copy to:

Gary Firestone
Ramis Crew Corrigan LLP
1727 N.W. Hoyt Street
Portland, Oregon 97209

8.12 Counterparts. This Agreement may be executed in several counterparts, each of which shall be an original, but all of which shall constitute but one and the same agreement.

8.13 Captions and Headings. The captions and headings of this Agreement are for convenience only and shall not be construed or referred to in resolving questions of interpretation or construction.

8.14 Calculation of Time. All periods of time referred to herein shall include Saturdays, Sundays and legal holidays in the State of Oregon, except that if the last day of any period falls on any Saturday, Sunday or such holiday, the period shall be extended to include the next day which is not a Saturday, Sunday or such holiday.

8.15 Commissions. Each party warrants that it has not utilized the services of an agent, broker or finder with regard to the transaction contemplated by this Agreement. Seller hereby agrees to defend, indemnify and hold harmless City, and City hereby agrees to defend, indemnify

and hold harmless Seller, from and against any claim by any third parties not named herein for brokerage, commission, finder's or other fees relating to this Agreement or the sale of the Property, and any court costs, attorney's fees or other costs or expenses arising therefrom, and alleged to be due by authorization of the indemnifying party.

8.16 Attorneys' Fees. If a suit, action, or other proceeding of any nature whatsoever (including any proceeding under the Bankruptcy laws of the United States) is instituted in connection with any controversy arising out of this Agreement, or to interpret or enforce its terms and provisions, the prevailing party shall be entitled to recover its attorneys', paralegals', accountants', and other experts' fees and all other fees, costs, and expenses actually incurred and reasonably necessary in connection therewith, as determined by the court at trial or on any appeal or review, in addition to all other amounts provided by law.

8.17 Entire Agreement. This Agreement constitutes the entire agreement between and among the parties, integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the parties or their predecessors in interest with respect to all or any part of the subject matter hereof.

EXECUTED as of the Effective Date.

SELLER

CITY:

By: C. Elizabeth Price, Trustee of the
Printed Name: - Residuary Trust and the
Survivor's Trust under Price Family Living
Title: Trust dated November 4, 1984

THE CITY OF TIGARD, an Oregon
municipal corporation

By: _____
Printed Name _____
Title: _____

Lee Goddard Squier, Trustee of the
Residuary Trust and the Survivor's Trust
under Price Family Living Trust dated
November 4, 1984

ACCEPTANCE BY TITLE COMPANY

Ticor Title Insurance Company by its duly authorized signature below, agrees to accept this escrow on the terms and conditions of, and to comply with the instructions contained in, the foregoing Agreement.

TICOR TITLE INSURANCE COMPANY

By: _____
Printed Name: _____
Its: _____

EXHIBIT "A"
Property Description

The subject property is Parcel 2 of Partition Plat No. 2000-086, recorded as Document No. 2000094935, Washington County, Oregon.

AGENDA ITEM # _____
FOR AGENDA OF 4/25/06

CITY OF TIGARD, OREGON
COUNCIL AGENDA ITEM SUMMARY

ISSUE/AGENDA TITLE Public Hearing (Quasi-Judicial) to Consider Annexation of Wilson Ridge No. 2 (ZCA2005-00005)

PREPARED BY: Beth St. Amand DEPT HEAD OK TC CITY MGR OK el

ISSUE BEFORE THE COUNCIL

Should the City Council approve annexation of 3.525 acres of land (Zone Change Annexation - ZCA2005-00005) located at SW Bull Mountain Road and SW 133rd Avenue?

STAFF RECOMMENDATION

Approval of Wilson Ridge No. 2 Annexation (Zone Change Annexation - ZCA2005-00005) by adoption of the attached ordinance.

INFORMATION SUMMARY

State law (ORS222) allows for a city to annex contiguous land when owners of real property in the territory to be annexed submit a petition to the legislative body of the city. The property owners of 13210 and 13280 SW Bull Mountain Road (WCTM 2S109AC, tax lots 1900 and 2000) have submitted a petition for annexation to the City. The proposed annexation consists of 3.5 acres, including portions of the SW Bull Mountain Road and SW 133rd Avenue rights-of-way. Twelve adjacent property owners received invitations to join the annexation; none responded.

The proposed annexation territory (Wilson Ridge No. 2 Annexation) is contiguous to the City in three locations: on the site's west boundary abutting Wilson Ridge No. 1 subdivision, along the site's east boundary abutting Alberta Rider School, and along portions of the site's northern boundary where it abuts SW Foran Terrace and territory in the 2004 Alpine View annexation (ZCA2004-00002). The site is part of unincorporated Bull Mountain and the City's Urban Service Area; the provisions of the City of Tigard's Urban Service Agreement (TUSA) and the Urban Services Intergovernmental Agreement between Washington County and the City of Tigard apply.

The applicable review criteria for this application are ORS Chapter 222; Metro Code Chapter 3.09; City of Tigard Comprehensive Plan Policies 2 and 10, and Community Development Code Chapters 18.320 and 18.390.

Staff recommends that the Council find that the proposed annexation (ZCA2005-00005) meets all the approval criteria and recommends approval of ZCA2005-00005 by adoption of the attached ordinance.

OTHER ALTERNATIVES CONSIDERED

Not approving ZCA2005-00005 if it does not meet the applicable review criteria.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

Growth and Growth Management, Goal #2: Urban services will be provided to all citizens within Tigard's urban growth boundary.

ATTACHMENT LIST

Attachment 1: An Ordinance Annexing 3.525 Acres, Approving Wilson Ridge No. 2 Annexation (ZCA2005-00005) and Withdrawing Property from the Tigard Water District, Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District.

Exhibit A: Legal Description of Proposed Annexation Territory

Exhibit B: Washington County Taxation and Assessment Map for Proposed Annexation Territory

Exhibit C: Petition for, and Consent to, Annexation to the City of Tigard

Exhibit D: Staff Report to the City Council

Attachment 2: Site Map of Proposed Annexation Territory

FISCAL NOTES

If approved, the proposed annexation territory would not be transferred to the City's tax roll until July 1, 2007. Annexations must be final by March 31 of the same calendar year for the tax year beginning July 1.

CITY OF TIGARD, OREGON
TIGARD CITY COUNCIL
ORDINANCE NO. 06-_____

AN ORDINANCE ANNEXING 3.525 ACRES, APPROVING WILSON RIDGE NO. 2 ANNEXATION (ZCA2005-00005), AND WITHDRAWING PROPERTY FROM THE TIGARD WATER DISTRICT, WASHINGTON COUNTY ENHANCED SHERIFF'S PATROL DISTRICT, WASHINGTON COUNTY URBAN ROADS MAINTENANCE DISTRICT, WASHINGTON COUNTY STREET LIGHTING DISTRICT # 1, AND THE WASHINGTON COUNTY VECTOR CONTROL DISTRICT.

WHEREAS, the City of Tigard is authorized by ORS 222.120(4)(B) and 222.170 to initiate an annexation upon receiving consent in writing from a majority of the electors registered in the territory proposed to be annexed and written consent from owners of more than half the land in the territory proposed to be annexed; and

WHEREAS, the City of Tigard is authorized by ORS 222.120(5) and 222.520 to withdraw properties which currently lie within the boundary of the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District # 1, and the Washington County Vector Control District upon completion of the annexation; and

WHEREAS, the Tigard City Council held a public hearing on April 25, 2006, to consider the annexation of two parcels of land and portions of the rights-of-way of both SW Bull Mountain Road and SW 133rd Avenue for a total of 3.525 acres and withdrawal of said property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District # 1, and the Washington County Vector Control District; and

WHEREAS, pursuant to ORS 222.520(2) the City is liable to the Water District for certain debt obligations, however, in this instance the Water District has no debt for the City to assume, therefore, no option regarding the assumption of debt needs to be made; and

WHEREAS, pursuant to Metro 3.09, ORS 222.120 and 222.524, notice was given and the City held a public hearing on the issue of the annexation into the City and withdrawal of the annexed property from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District # 1, and the Washington County Vector Control District on April 25, 2006; and

WHEREAS, pursuant to ORS 222.524, the City must declare the withdrawal of annexed properties from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District # 1, and the Washington County Vector Control District by Ordinance; and

WHEREAS, the Tigard Development Code states that upon annexation, the zone is automatically changed to the City zoning most closely conforming to the County zoning; and

WHEREAS, the current zoning district is R-7, an existing City zone that has been adopted by the County and the zoning after annexation would remain R-7 so that no zone change is necessary, and by annexation the Comprehensive Plan of the City of Tigard goes into effect; and

WHEREAS, the annexation has been processed in accordance with the requirements of Metro 3.09 and has been reviewed for compliance with the Tigard Community Development Code and the Comprehensive Plan and the annexation substantially addresses the standards in Metro 3.09 regulating annexations; and

WHEREAS, the City Council has carefully considered the testimony at the public hearing and determined that withdrawal of the annexed properties from the applicable service districts is in the best interest of the City of Tigard.

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The Tigard City Council hereby annexes the parcels described in the attached Exhibit "A" and shown in Exhibit "B" and withdraws said parcels from the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District # 1, and the Washington County Vector Control District.

SECTION 2: The Tigard City Council adopts the "Staff Report to the City Council" as findings in support of this decision; a copy is attached hereto as Exhibit D and incorporated herein by this reference.

SECTION 3: This ordinance shall be effective 30 days after its passage by the Council, signature by the Mayor and posting by the City Recorder.

SECTION 4: City staff is directed to take all necessary measures to implement the annexation, including certified copies of the Ordinance with Metro for administrative processing, filing with state and county agencies as required by law, and providing notice to utilities.

SECTION 5: Pursuant to ORS 222.120(5), the effective date of the withdrawal of the property from the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District # 1, and the Washington County Vector Control District shall be the effective date of this annexation.

SECTION 6: Pursuant to ORS 222.465, the effective date of the withdrawal of this property from the Tigard Water District shall be July 1, 2007.

SECTION 7: In accordance with ORS 222.180, the annexation shall be effective upon filing with the Secretary of State.

PASSED: By _____ vote of all Council members present after being read by number and title only, this _____ day of _____, 2006.

Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this _____ day of _____, 2006.

Craig Dirksen, Mayor

Approved as to form:

City Attorney

Date



LEGAL DESCRIPTION
WILSON RIDGE NO. 2 ANNEXATION

JOB NO. 402-027

A PARCEL OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 9, TOWNSHIP 2 SOUTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, DESCRIBED AS FOLLOWS:

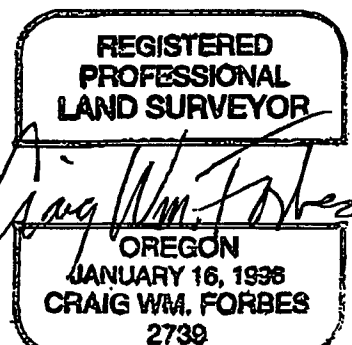
BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF S.W. BULL MOUNTAIN ROAD (COUNTY ROAD NO. 2515) LYING 20.00 FEET, RIGHT ANGLE MEASURE, NORTHEASTERLY OF THE CENTERLINE, FROM WHICH THE SOUTHWEST CORNER OF PARCEL 2 OF PARTITION PLAT NO. 2000-086 BEARS SOUTH 59°20'07" EAST, 57.18 FEET; THENCE ALONG SAID LINE NORTH 59°20'07" WEST, 542.89 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF S.W. BULL MOUNTAIN ROAD, SAID POINT BEING THE INTERSECTION WITH THE NORTHERLY EXTENSION OF THE WESTERLY RIGHT-OF-WAY LINE OF S.W. 133RD AVENUE LYING 25.00 FEET, RIGHT ANGLE MEASURE, WEST OF THE CENTERLINE OF S.W. 133RD AVENUE; THENCE ALONG SAID EXTENSION AND WESTERLY RIGHT-OF-WAY LINE SOUTH 00°31'25" EAST, 433.67 FEET; THENCE SOUTH 88°28'35" EAST, 50.00 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF S.W. 133RD AVENUE; SAID POINT ALSO BEING THE SOUTHWEST CORNER OF THE PROPERTY DESCRIBED IN DEED DOCUMENT NO. 92062674; THENCE ALONG THE SOUTH LINE OF SAID PROPERTY SOUTH 89°26'35" EAST, 201.50 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY; THENCE ALONG THE MOST SOUTHERLY WEST LINE OF THE PROPERTY DESCRIBED IN DEED DOCUMENT NO. 97046401 TO THE SOUTHWEST CORNER OF SAID PROPERTY SOUTH 01°31'18" WEST, 44.14 FEET; THENCE SOUTH 88°46'45" EAST, 235.56 FEET TO THE SOUTHEAST CORNER OF SAID PROPERTY SAID POINT ALSO BEING A POINT ON THE WEST LINE OF THE PROPERTY DESCRIBED IN DEED DOCUMENT NO. 97048724; THENCE ALONG SAID LINE NORTH 01°13'18" EAST, 156.30 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF S.W. BULL MOUNTAIN ROAD; THENCE ALONG SAID LINE NORTH 59°20'07" WEST, 13.88 FEET TO A POINT WHICH IS THE INTERSECTION OF SAID LINE WITH THE SOUTHERLY EXTENSION OF THE WESTERLY RIGHT-OF-WAY LINE OF S.W. FORAN TERRACE; THENCE ALONG SAID LINE NORTH 01°38'36" EAST, 45.74 FEET TO POINT OF BEGINNING.

CONTAINING APPROXIMATELY 153,541 SQUARE FEET OR 3.525 ACRES.

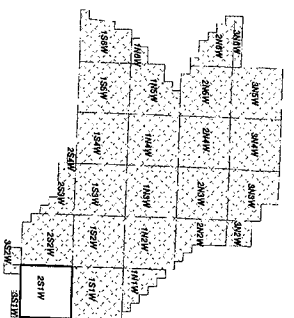
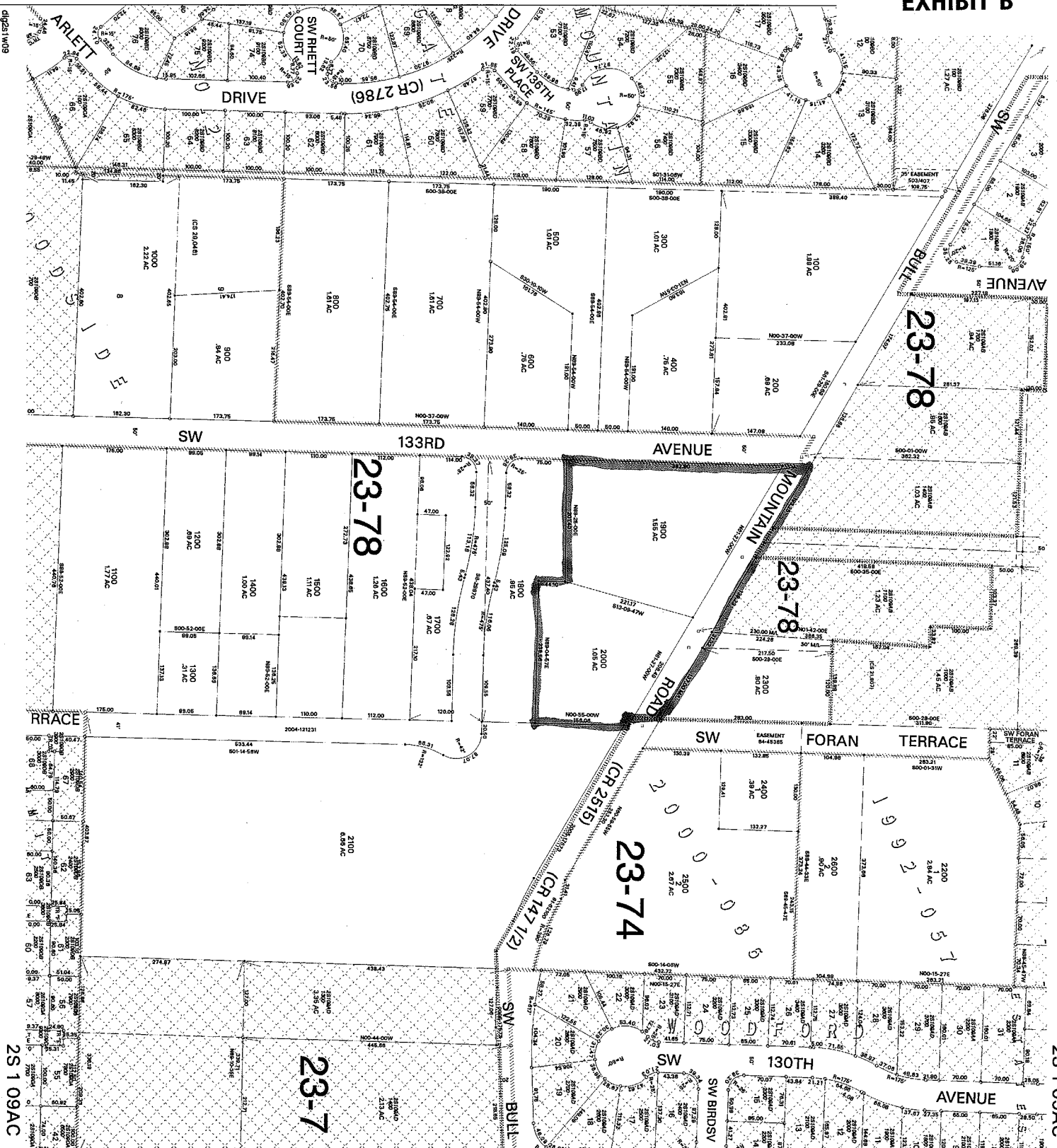
THE BASIS OF BEARING FOR THIS DESCRIPTION IS WASHINGTON COUNTY SURVEY NO. 29,960.

N:\proj\328-027\Word\LEGAL DESCRIPTION_WILSONRIDGE2.doc

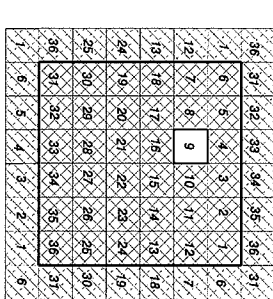
Plaza West - Suite 230 - 9600 SW Oak - Portland - Oregon 97223
Office 503 452-8003 - Fax 503 452-8043
www.alphacommunity.com



1/11/05 UNTIL 12/31/05



WASHINGTON COUNTY OREGON
SW 1/4 NE 1/4 SECTION 09 T2S R1W W.M.
SCALE 1" = 100'



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
WWW.CO.WASHINGTON.ORG

BB	BA	AB	AA
BC	BD	AC	AD
CB	CA	DB	DA
CC	CD	DC	DD



PLOT DATE: April 04, 2005
FOR ASSESSMENT PURPOSES
ONLY - DO NOT RELY ON
FOR OTHER USE

Map areas delineated by either grey shading or a cross-hatched pattern are for reference only and may not include the most current property boundaries. Please consult the appropriate map for the most current information.

We, the undersigned owner(s) of the property described below and/or elector(s) residing at the referenced location(s), hereby petition for, and give consent to, Annexation of said property to the City of Tigard. We understand that the City will review this request in accordance with ORS Chapter 222 and applicable regional and local policies prior to approving or denying the request for Annexation.

OV - Property Owner & Registered Voter

PAGE 1 OF 1

i:\curpin\masters\revised\anxpain.msl 15-Aug-02

Agenda Item:

Hearing Date: April 25, 2006

Time: 7:30 PM

**STAFF REPORT TO THE
CITY COUNCIL
FOR THE CITY OF TIGARD, OREGON**



120 DAYS = N/A

SECTION I. APPLICATION SUMMARY

FILE NAME: WILSON RIDGE NO. 2 ANNEXATION
CASE NOS: Zone Change Annexation (ZCA) ZCA2005-00005

APPLICANT: Venture Properties, Inc.
 4230 SW Galewood St. #100
 Lake Oswego, OR 97035

APPLICANT'S REP: Alpha Community Development
 9600 SW Oak St., #230
 Portland, OR 97223

OWNER: Rick and Cheryl Gimlin
 13280 SW Bull Mountain Rd.
 Tigard, OR 97224

OWNER: Douglas and Charlene Potter
 13210 SW Bull Mountain Rd.
 Tigard, OR 97224

PROPOSAL: The applicant is requesting annexation of two (2) parcels containing 3.525 acres into the City of Tigard, including portions of the SW Bull Mountain Road and SW 133rd Avenue rights-of-way.

LOCATION: 13210 & 13280 SW Bull Mountain Road; WCTM 2S109AC, Tax Lots 1900 and 2000. The subject site is located south of Bull Mountain Road and east of SW 133rd Avenue.

CURRENT ZONING

DESIGNATION: R-7: Medium-Density Residential District. The R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally.

EQUIVALENT CITY ZONING

DESIGNATION: R-7: Medium-Density Residential District. The R-7 zoning district is designed to accommodate attached single-family homes, detached single-family homes with or without accessory residential units, at a minimum lot size of 5,000 square feet, and duplexes, at a minimum lot size of 10,000 square feet. Mobile home parks and subdivisions are also permitted outright. Some civic and institutional uses are also permitted conditionally.

**APPLICABLE
REVIEW**

CRITERIA: ORS Chapter 222, Metro Code Chapter 3.09, Comprehensive Plan Policies 2 and 10, Community Development Code Chapters 18.320 and 18.390.

SECTION II. STAFF RECOMMENDATION

Staff recommends that the Council find that the proposed annexation (ZCA2005-00005) meets all the approval criteria as identified in ORS Chapter 222, Metro Code Chapter 3.09, Comprehensive Plan Policies 2 and 10, Community Development Code Chapters 18.320 and 18.390. Therefore, staff recommends APPROVAL of ZCA2005-00005 by adoption of the attached ordinance.

SECTION III. BACKGROUND INFORMATION

Site Information:

Located at the intersection of Bull Mountain Road and SW 133rd Avenue, the 3.525-acre subject site consists of two parcels and the adjacent rights-of-way on SW Bull Mountain Road and SW 133rd Avenue. It is contiguous to the City of Tigard on the site's west boundary abutting Wilson Ridge subdivision, along the site's east boundary abutting Alberta Rider School, and along portions of the site's northern boundary. The site is part of unincorporated Bull Mountain and the City's Urban Service Area; the provisions of the City of Tigard's Urban Service Agreement (TUSA) and the Urban Services Intergovernmental Agreement between Washington County and the City of Tigard apply. Three residential structures and associated outbuildings stand on the site, which has an approximate 4% slope. No sensitive lands or wetlands have been identified.

The applicant requests annexation of the 3.525-acre site to the City of Tigard (WCTM 2S109AC, Tax Lots 1900 and 2000). The applicant also has submitted separately a land-use application for a 17-lot subdivision on the proposed annexation territory (SUB2005-00022). That application is a separate land-use decision with its own set of review criteria and will not be addressed in this report.

SECTION IV. APPLICABLE REVIEW CRITERIA, FINDINGS AND CONCLUSIONS

State: ORS Chapter 222

Regional: Metro Code Chapter 3.09

City: Comprehensive Plan Policies 2 and 10, Community Development Code Chapters 18.320 and 18.390.

A. CITY OF TIGARD COMMUNITY DEVELOPMENT CODE (TITLE 18)

Staff has determined that the proposal is consistent with the relevant portions of the Community Development Code based on the following findings:

1. Chapter 18.320.020: Approval Process and Standards.

B. Approval Criteria. The decision to approve, approve with modification, or deny an application to annex property to the City shall be based on the following criteria:

- 1. All services and facilities are available to the area and have sufficient capacity to provide service for the proposed annexation area; and**

The City of Tigard Comprehensive Plan's Urbanization Chapter (Policy 10.1.1) defines "services" as water, sewer, drainage, streets, police, and fire protection. The proposed annexation territory is

currently zoned R-7, a medium-density single-family residential zone with a minimum residential lot size of 5,000 square feet. The proposed annexation territory would retain this zoning upon annexation. Water is available to the proposed annexation territory, both in the SW 133rd Avenue right-of-way and SW Bull Mountain Road, as indicated by the City's Public Works department. The nearest sanitary sewer line is an 8" line located to the south (Batterson Street). A storm drainage line is located in the SW Bull Mountain Road right-of-way, which is also part of the proposed annexation territory.

For streets, the City's Transportation System Plan (TSP) standards apply. The proposed annexation territory is located at the intersection of SW Bull Mountain, which is designated a collector in the City's Transportation System Plan (TSP), and SW 133rd Avenue, which is designated a neighborhood route in the TSP. The City of Tigard departments of Public Works and Police have reviewed the annexation proposal and have not raised any objections or indicate that there would be a lack of service capacity for the proposed annexation territory or a significant reduction in existing City service levels. In addition, Tualatin Valley Fire and Rescue (TVF&R) reviewed and endorsed the proposal; TVF&R currently serves the proposed annexation territory.

Based upon this review, staff finds that all public services (as defined by the Comprehensive Plan) are available to the proposed annexation territory and all public services have sufficient capacity to provide service to the proposed annexation territory.

2. The applicable Comprehensive Plan policies and implementing ordinance provisions have been satisfied.

Three Comprehensive Plan policies apply to proposed annexations: 2.1.1, 10.1.1., and 10.1.2. Staff has determined that the proposal has satisfied the applicable Comprehensive Plan policies based on the following findings:

Policy 2.1.1: Citizen Involvement. The City shall maintain an ongoing citizen involvement program and shall assure that citizens will be provided an opportunity to be involved in all phases of the planning process.

The City maintains an ongoing citizen involvement program. To assure citizens will be provided an opportunity to be involved in all phases of the planning process, the City provides notice for Type IV land-use applications. The City posted, mailed and published notice of the public hearing as follows. The City posted the hearing notice at four public places beginning February 13, 2006: Tigard Library, Tigard City Hall, Tigard Permit Center, and on the proposed annexation territory. The City published notice of the hearing in *The Times* for two successive weeks (April 6, 2006, and April 13, 2006,) prior to the April 25, 2006, public hearing. The City also mailed notice to all interested parties and surrounding property owners within 500 feet on April 3, 2006. In addition, the City maintains a list of interested parties organized by geography. Notice was mailed to interested parties in the West area on February 9, 2006, which includes former Citizen Involvement Team contacts and CPO 4B, the citizen participation organization for the area. Staff finds that this policy is met.

Policy 10.1.1: Urbanization. Prior to the annexation of land to the City of Tigard,
a) the City shall review each of the following services as to adequate capacity, or such services to be made available, to serve the parcel if developed to the most intense use allowed, and will not significantly reduce the level of services available to developed and undeveloped land within the City of Tigard: 1. Water; 2. Sewer; 3. Drainage; 4. Streets; 5. Police; and 6. Fire Protection.

As addressed under 18.320.020 above, adequate service is available to the proposed annexation territory. The proposed annexation territory is currently zoned R-7, a medium-density single-family residential zone with a minimum residential lot size of 5,000 square feet. The proposed annexation territory would retain this zoning upon annexation. If developed to its designated capacity of 7 units per gross acre, the site could accommodate approximately 17 units, which would result in a net increase of 14 units total for the subject site. When the site develops, it will be required to connect to public service facilities, which this report has found to be available to the proposed annexation territory. As noted above, the applicant has submitted separately a 17-lot subdivision application for the proposed annexation territory and included a copy of those plans in the annexation submittal. The land-use review of SUB2005-00022 will review the subdivision proposal for specific service provisions and require additional facilities or upgrades as appropriate.

Based on the proposed annexation territory's capacity, the City of Tigard departments of Public Works and Police have reviewed the annexation proposal and have not raised any objections or indicate that there would be a lack of service capacity for the proposed annexation territory or a significant reduction in existing City service levels. Tualatin Valley Fire and Rescue also reviewed the proposal and did not raise any objections or indicate that there would be a lack of service capacity for the proposed annexation territory. Staff finds that there is adequate capacity to serve the parcel (water, sewer, drainage, streets, police, fire protection) if developed to the most intense use allowed, and will not significantly reduce the level of services available to developed and undeveloped land within the City of Tigard.

b) If required by an adopted capital improvements program ordinance, the applicant shall sign and record with Washington County a nonremonstrance agreement regarding the following: 1. The formation of a local improvement district (L.I.D.) for any of the following services that could be provided through such a district. The extension or improvement of the following: a) Water, b) Sewer, c) Drainage, and d) Streets. 2. The formation of a special district for any of the above services or the inclusion of the property into a special service district for any of the above services.

This criterion does not apply: No capital improvements program requires a nonremonstrance agreement for this area. Urban services are already available for the proposed annexation territory. Other public facility requirements will be provided as part of the subdivision review (SUB2005-00022).

c) The City shall provide urban services to areas within the Tigard Urban Planning Area or within the Urban Growth Boundary upon annexation.

The Tigard Urban Planning Area (as defined in the *Washington County – Tigard Urban Planning Area Agreement, July 2004*) includes the proposed annexation territory. The City is the designated urban services provider for the services defined in the *Tigard Urban Service Agreement (2002)* and subsequent operating agreements: police; parks, recreation and open space; roads and streets; sanitary sewer and storm water (through an operating agreement with CWS); and water service. Upon annexation, those services will be provided according to the City's current policies. Staff finds that this policy is met.

Policy 10.1.2: Urbanization. Approval of proposed annexations of land by the City shall be based on findings with respect to the following: a) The annexation eliminates an existing "pocket" or "island" of unincorporated territory; or, b) The annexation will not create an irregular boundary that makes it difficult for the police in an emergency situation to determine whether the parcel is within or outside the City; c) The Police Department has commented upon the annexation; d) the land is located within the Tigard Area of Interest and is contiguous to the City boundary; e) The

annexation can be accommodated by the services listed in 10.1.1(a).

The proposed annexation territory is contiguous to the City on the site's west boundary abutting Wilson Ridge subdivision, along the site's east boundary abutting Alberta Rider School, and along portions of the site's northern boundary where it abuts SW Foran Terrace and territory in the 2004 Alpine View annexation (ZCA2004-00002). The City annexed both the Wilson Ridge subdivision and Alberta Rider School in 2005; therefore, the proposed annexation would eliminate an existing pocket of unincorporated territory along the south side of SW Bull Mountain Road, approximately 485 feet in length. It will not create an irregular boundary. The City of Tigard Police Department has reviewed the proposed annexation and has no objections. The *Washington County - Tigard Urban Planning Area Agreement (July 2004)* includes the proposed annexation territory within its Area of Interest. Lastly, as section 10.1.1.(a) demonstrated, the annexation can be accommodated by the following services: water, sewer, drainage; streets; police; and fire protection.

Therefore, staff finds that the proposed annexation meets Policy 10.1.2.

Policy 10.1.3: Urbanization. Upon annexation of land into the City which carries a Washington County zoning designation, the City of Tigard shall assign the City of Tigard zoning district designation which most closely conforms to the county zoning designation.

Washington County previously adopted City of Tigard zoning designations for unincorporated Bull Mountain due to the intergovernmental agreement in which Tigard performs building and development services on behalf of the County (adopted 1997; revised 2002). The proposed annexation territory's Washington County designation was R-6 and was converted to Tigard's R-7 (Table 320.1 summarizes the conversion of the County's plan and zoning designations). Therefore no changes are required in the zoning designations for the Plan Area, as the current designations reflect City of Tigard designations.

**TABLE 320.1
CONVERSION TABLE FOR COUNTY AND CITY PLAN AND ZONING DESIGNATIONS**

Washington County Land Use Districts/Plan Designation	City of Tigard Zoning	City of Tigard Plan Designation
R-5 Res. 5 units/acre	R-4.5 SFR 7,500 sq. ft.	Low density 1-5 units/acre
R-6 Res. 6 units/acre	R-7 SFR 5,000 sq. ft.	Med. density 6-12 units/acre
R-9 Res. 9 units/acre	R-12 Multi-family 12 units/acre	Med. density 6-12 units/acre
R-12 Res. 12 units/acre	R-12 Multi-family 12 units/acre	Med. density 6-12 units/acre
R-15 Res. 15 units/acre	R-25 Multi-family 25 units/acre	Medium-High density 13-25 units/acre
R-24 Res. 24 units/acres	R-25 Multi-family 25 units/acre	Medium-High density 13-25 units/acre
Office Commercial	C-P Commercial Professional	CP Commercial Professional
NC Neighborhood Commercial	CN Neighborhood Commercial	CN Neighborhood Commercial
CBD Commercial Business District	CBD Commercial Business District	CBD Commercial Business District
GC General Commercial	CG General Commercial	CG General Commercial
IND Industrial	I-L Light Industrial	Light Industrial■

Chapter 18.320.020

C. Assignment of comprehensive plan and zoning designations.

The comprehensive plan designation and the zoning designation placed on the property shall be the City's zoning district which most closely implements the City's or County's comprehensive plan map

designation. The assignment of these designations shall occur automatically and concurrently with the annexation. In the case of land which carries County designations, the City shall convert the County's comprehensive plan map and zoning designations to the City designations which are the most similar. A zone change is required if the applicant requests a comprehensive plan map and/or zoning map designation other than the existing designations. (See Chapter 18.380). A request for a zone change can be processed concurrently with an annexation application or after the annexation has been approved.

As the previous section demonstrated, no changes are required in the zoning designations for the Plan Area, as the current designations reflect City of Tigard designations.

City of Tigard Community Development Code

2. Chapter 18.390.060: Type IV Procedure

Annexations are processed by means of a Type IV procedure, as governed by Chapter 18.390 of the Community Development Code (Title 18) using standards of approval contained in 18.390.020(B), which were addressed in the previous section. Chapter 18.390 requires City Council to hold a hearing on an annexation. It also requires the City to provide notice at least 10 days prior to the hearing by mail and to publish newspaper notice; the City mailed notice on April 3, 2006, and published public notice in *The Times* for two successive weeks (April 6, 2006, and April 13, 2006,) prior to the April 25, 2006, public hearing.

Additionally, Chapter 18.390.060 sets forth five decision-making considerations for a Type IV decision:

1. The Statewide Planning Goals and Guidelines adopted under Oregon Revised Statutes Chapter 197;

The City's Comprehensive Plan has been acknowledged by the Land Conservation and Development Commission to be in compliance with state planning goals. As reviewed above, the annexation proposal meets the existing Comprehensive Plan policies and therefore is in compliance with state planning goals.

2. Any federal or state statutes or regulations found applicable;

ORS 222: State law (ORS222) allows for a city to annex contiguous land when owners of real property in the territory to be annexed submit a petition to the legislative body of the city. ORS 222.120 requires the city to hold a public hearing before its legislative body (City Council) and provide public notice to be published once each week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.

The property owners of 13210 and 13280 SW Bull Mountain Road (WCTM 2S109AC, tax lots 1900 and 2000) have submitted a petition for annexation to the City. The proposed annexation territory (Wilson Ridge No. 2 Annexation) is contiguous to the City in three locations: on the site's west boundary abutting Wilson Ridge subdivision, along the site's east boundary abutting Alberta Rider School, and along portions of the site's northern boundary where it abuts SW Foran Terrace and territory in the 2004 Alpine View annexation (ZCA2004-00002). The City published public notice in *The Times* for two successive weeks (April 6, 2006, and April 13, 2006,) prior to the April 25, 2006, public hearing and posted the hearing notice at four public places beginning February 13, 2006: Tigard Library, Tigard City Hall, Tigard Permit Center, and on the proposed annexation territory. Staff finds that the provisions of ORS222.120 have been met.

3. Any applicable METRO regulations;

Chapter 3.09 of the Metro Code (Local Government Boundary Changes) includes standards to be addressed in annexation decisions, in addition to local and state review standards. Note that the report is available 15 days before the hearing (April 10, 2006, for an April 25, 2005, hearing). Staff has determined that the applicable METRO regulations (Metro Code 3.09.040(b) &(d)) have been met based on the following findings:

Metro 3.09.040 (b)

(b) Not later than 15 days prior to the date set for a change decision, the approving entity shall make available to the public a report that addresses the criteria in subsections (d) and (g) below, and that includes at a minimum the following:

(1) The extent to which urban services presently are available to serve the affected territory including any extra territorial extensions of service;

As addressed previously in this report, urban services are available to serve the affected territory.

(2) A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;

As addressed previously in this report, the annexation proposal complies with all applicable provisions of urban service provider agreements (*Washington County – Tigard Urban Planning Area Agreement, July 2004; and Tigard Urban Service Agreement (2002)*).

(3) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;

As addressed previously in this report, the annexation proposal complies with all applicable policies of the City of Tigard Comprehensive Plan and urban service provider agreements (*Washington County – Tigard Urban Planning Area Agreement, July 2004; and Tigard Urban Service Agreement (2002)*). The proposed annexation territory is within the Urban Growth Boundary and subject to the Regional Framework Plan and Urban Growth Management Functional Plan provisions. There are no specific applicable standards or criteria for boundary changes in the Regional Framework Plan or the Urban Growth Management Functional Plan. However, the City's Comprehensive Plan and Development Code have been amended to comply with Metro functional plan requirements. By complying with the Development Code and Comprehensive Plan, the annexation is consistent with the Functional Plan and the Regional Framework Plan.

(4) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and

The area remains within Washington County but will require the territory to be withdrawn from the boundary of the Tigard Water District, the Washington County Enhanced Sheriff's Patrol District, Washington County Urban Roads Maintenance District, Washington County Street Lighting District #1, and the Washington County Vector Control District upon completion of the annexation.

(5) The proposed effective date of the decision.

The public hearing will take place April 25, 2006. If the Council adopts findings to approve ZCA2005-00005, the effective date of the annexation will be May 25, 2006.

Metro Code 3.09.040 (d)

(d) An approving entity's final decision on a boundary change shall include findings and conclusions addressing the following criteria:

1. Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065;

The *Tigard Urban Service Agreement (2002)* includes the proposed annexation territory. The agreement specifies notice requirements for land use planning actions; the City provided notice of the proposed annexation to all applicable parties. The agreement states that the County and City will be supportive of annexations to the City, and the City shall endeavor to annex the Bull Mountain area in the near to mid-term. The annexation proposal is consistent with this agreement.

2. Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;

The *Washington County – Tigard Urban Planning Area Agreement (July 2004)* includes the proposed annexation territory. The City has followed all processing and notice requirements in the UPAA, providing Washington County with 45-day notice prior to the public hearing. The agreement states that “so that all properties within the Tigard Urban Service Area will be served by the City, the County and City will be supportive of annexations to the City.” The City also provided notice to the affected CPO (CPO4B) per the agreement. The annexation proposal is consistent with this agreement.

3. Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;

As previously stated in this report, this proposal meets all applicable City of Tigard Comprehensive Plan provisions. This criterion is satisfied.

4. Consistency with specific directly applicable standards or criteria for boundary changes contained in the Regional Framework Plan or any functional plan;

This criterion was addressed under 3.09.040(b). By complying with the City of Tigard Community Development Code and Comprehensive Plan, the annexation is consistent with the Functional Plan and the Regional Framework Plan.

5. Whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;

The proposed annexation will not interfere with the provision of public facilities or services because it is consistent with the terms of the *Tigard Urban Service Agreement (2002)*, which ensures the timely, orderly, and efficient extension of public facilities and urban services; it is adjacent to existing city limits and services; and lastly, urban services are available to the proposed annexation territory and have not been found to significantly reduce existing service levels.

6. The territory lies within the Urban Growth Boundary; and

The subject territory is already within Metro’s Urban Growth Boundary.

7. Consistency with other applicable criteria for the boundary change in question under state and local law.

In previous sections, this report reviewed the proposal’s consistency with other applicable criteria and found it to be consistent.

(Tigard CDC 19.390.060)

4. Any applicable comprehensive plan policies; and

As demonstrated in previous sections of this report, the proposed annexation is consistent with, and meets, all applicable comprehensive plan policies.

5. Any applicable provisions of the City’s implementing ordinances.

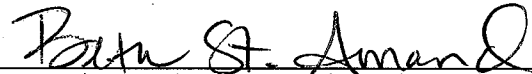
There are no specific implementing ordinances that apply to this proposed annexation. Chapter 18 of the City Code will apply to development of the property.

SECTION VII. OTHER STAFF COMMENTS

The City of Tigard Police and Public Works departments have reviewed the proposal and have no objections to it. The Public Works department noted that water will be provided by lines in Bull Mountain Road.

SECTION VIII. AGENCY COMMENTS

Tualatin Valley Fire and Rescue has reviewed and endorsed this annexation proposal. Tualatin Hills Park and Recreation District, Clean Water Services, Metro, the Tigard/Tualatin School District, Metro Area Communications and the Washington County Department of Land Use and Transportation were provided the opportunity to review this proposal and submitted no comments or objections.



PREPARED BY: Beth St. Amand
Senior Planner

4-10-06
DATE



REVIEWED BY: Richard Bewersdorff
Planning Manager

4-10-06
DATE

Exhibit A

Final City Engineer's Report Sanitary Sewer Reimbursement District No. 33 (SW Walnut Street)

Background

This project was constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program, the City of Tigard installed public sewers to each lot within the project area. At the time the property owner connects to the sewer, the owner must pay a connection fee, currently \$2,635, and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic systems according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

An existing line in SW Walnut Street was extended east of SW 134th Avenue to serve three lots and west from SW 124th Avenue to serve two lots as shown on Exhibit Map B.

Cost

The final cost for the sanitary sewer construction to provide service to the five lots is \$50,311.06. Engineering and inspection fees amount to \$6,791.99 (13.5%) as defined in TMC 13.09.040(1). The final total project cost is \$57,103.05. This is the amount that should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays is subject to the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay an additional \$2,635 connection and inspection fee when connection to the public line is made. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties are zoned R-4.5 but vary in lot size from 14,000 to 93,000 square feet as can be seen in the following list of lots. Therefore, it is recommended that the total cost of this portion of the project be divided among the five properties proportional to the square footage of each property.

Other reimbursement methods include dividing the cost equally among the owners or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's fair share of the public sewer line is \$0.220591 per square foot of lot served. Each owner's fair share would be limited to \$6,000, to the extent that it does not

exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000. Upon request, payment of costs that exceed \$15,000 may be deferred until the lot is developed as provided by Resolution 03-55 (attached).

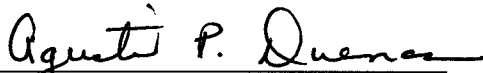
Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted April 11, 2006



Agustin P. Duenas, P.E.
City Engineer

i:\eng\2005-2006 fy cip\walnut street - phase 3 (by county)\reimbursement district 33-walnut street\city council\finalization\4-11-06 reim dist 33 report app a.doc

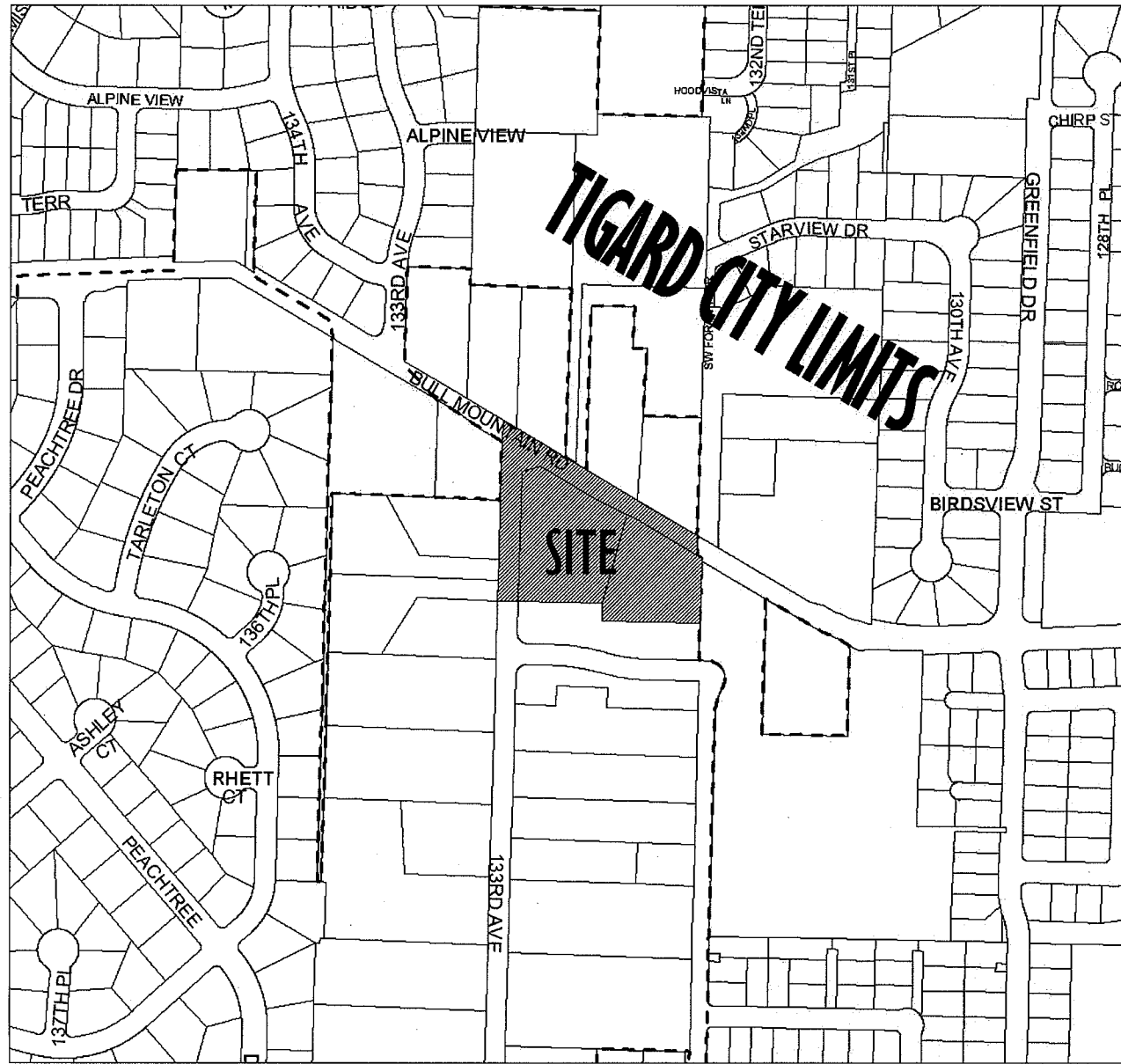
WALNUT STREET
Reimbursement District No. 33
Cost to Property Owners Based on Final Project Cost
April 18, 2006

	OWNER	SITE ADDRESS	TAX LOT ID	AREA (S.F.)	COST TO PROPERTY OWNER	* PAID BY OWNER	PAID BY CITY
1	ZECHMANN, BARBARA JUNE & LEARY, DAVID L & KATHLEEN J	13320 SW WALNUT	2S104AC10900	92561.8754	\$20,418	\$11,418	\$9,000
2	J & S CONCRETE	13280 SW WALNUT	2S104AC00200	93389.39123	\$20,601	\$11,601	\$9,000
3	WEINANDY, MICHAEL C & DONAHUE, MARY	13300 SW WALNUT	2S104AC10800	44903.06836	\$9,905	\$6,000	\$3,905
4	TRIGG, CHARLES L	12570 SW WALNUT	2S104AD04000	13790.93808	\$3,042	\$3,042	\$0
5	CARLTON, MARK M & DEMELLO, BRENDA	12600 SW WALNUT	2S104AD03900	14218.40744	\$3,136	\$3,136	\$0
Totals				258864	\$57,103	\$35,198	\$21,905

* If connections are made in accordance with the incentive program.

WALNUT STREET
Reimbursement District No. 33
Cost to Property Owners Based on Final Project Cost
Summary
March 13, 2006

Final Construction Cost	\$50,311.06
13.5% Admin & Engineering	\$6,791.99
total project costs	\$57,103.05
total area to be served (S.F.)	258,864
total cost per S.F. to property owner	\$0.22059093



Community Development

CITY OF TIGARD
GEOGRAPHIC INFORMATION SYSTEM

VICINITY MAP

=====

ZCA2005-00005

=====

WILSON RIDGE NO. 2
SUBDIVISION ANNEXATION

Tigard Area Map

N

0 100 200 300 400 Feet

1" = 327 feet

City of Tigard

Information on this map is for general location only and should be verified with the Development Services Division.
13125 SW Hall Blvd
Tigard, OR 97223
(503) 839-4171
<http://www.ci.tigard.or.us>

Plot date: Mar 30, 2006; C:\magic\MAGIC03.APR

Agenda Item #

Meeting Date

April 25, 2006

COUNCIL AGENDA ITEM SUMMARY

City Of Tigard, Oregon

Issue/Agenda Title Finalization of Sanitary Sewer Reimbursement District No. 33 (SW Walnut Street)

Prepared By: GA3 G. Berry Dept Head Okay af Duena City Mgr Okay CP

ISSUE BEFORE THE COUNCIL AND KEY FACTS

Finalize Sewer Reimbursement District No. 33, established to construct sanitary sewers in SW Walnut Street.

- City Council established Reimbursement District No. 33 to provide sewer service to five lots on SW Walnut Street.
- Construction of the project has been completed, final costs have been determined and the City Engineer's Report has been revised accordingly.
- If City Council approves the Final City Engineer's Report, the owners within the district will be allowed to connect to the sewer upon payment of a reimbursement fee required by the Final City Engineer's Report.

STAFF RECOMMENDATION

Approve, by motion, the proposed resolution finalizing Reimbursement District No. 33 as modified by the Final City Engineer's Report.

KEY FACTS AND INFORMATION SUMMARY

Council approved the formation of Reimbursement District No. 33 by Resolution No. 04-91 on November 23, 2004 following an informational hearing. No public testimony was offered during the hearing. Since then, construction of the improvements has been completed and final costs have been determined. The City Engineer's Report has been revised accordingly.

This Reimbursement District installed sewer service to five lots on SW Walnut Street between SW 124th and 134th Avenues. The work was completed as part of a Major Streets Transportation Improvement Program project to improve Walnut Street between SW 121st and 135th Avenues through an agreement with Washington County approved by Council on February 10, 2004. The property owners must reimburse the City for a fair share of the cost of the public sewer at the time of connection to the sewer. In addition, each property owner must pay a connection fee, currently \$2,635, and is responsible for disconnecting the existing septic system according to County rules and any other plumbing modifications necessary to connect to the public line. The connection fee is expected to be increased beginning July 1, 2006. The sewer connections are available should property owners need to connect. Owners will not be required to pay any fee until they connect to the sewer.

Each owner has been notified of the hearing by mail. The notice, mailing list and additional details are included in the City Engineer's Report attached as Exhibit A to the proposed resolution.

If Council approves this request to finalize the Reimbursement District, owners within the district will be notified that the sewer is available for connection.

OTHER ALTERNATIVES CONSIDERED

None.

COUNCIL GOALS AND TIGARD BEYOND TOMORROW VISION STATEMENT

The project is part of the Citywide Sewer Extension Program established by City Council to provide sewer service to developed but unserved residential areas in the City. It meets the Tigard Beyond Tomorrow Growth and Growth Management goal of "Growth will be managed to protect the character and livability of established areas, protect the natural environment and provide open space throughout the community." Sewer service enhances the environment and protects the health of the residents by providing for the closure of septic systems 40 to 50 years old.

ATTACHMENT LIST

Attachment 1- Proposed Resolution
 Exhibit A, City Engineer's Report
 Exhibit B, Map
Attachment 2- Resolution No. 04-91 with Exhibits A, B (6 pages)
Attachment 3- Vicinity Map
Attachment 4- Communication Plan
Attachment 5- Notice to Owners
Attachment 6- Mailing List
Attachment 7- Resolution No. 01-46
Attachment 8- Resolution No. 03-55

FISCAL NOTES

The construction was completed at a cost equal to the bid amount of \$50,311.06. The total project cost, including the cost of construction plus an amount for administration and engineering as defined in TMC 13.09.040(1) is \$57,103.05.

The portion of the final cost assigned to each owner is tabulated in Exhibit A of the attached proposed resolution. The cost to each owner under the Incentive Program established by Resolution 01-46 is also shown.

Funding is by unrestricted sanitary sewer funds.

CITY OF TIGARD, OREGON

RESOLUTION NO. 06-_____

A RESOLUTION FINALIZING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 33 (SW WALNUT STREET) AND AMENDING THE PRELIMINARY CITY ENGINEER'S REPORT CONTAINED IN RESOLUTION NO. 04-91.

WHEREAS, on November 23, 2004, the City Council approved Resolution 04-91 to form Sanitary Sewer District No. 33 to construct sewers in SW Walnut Street in accordance with TMC Chapter 13.09; and

WHEREAS, Resolution No. 04-91 included the City Engineer's Report that included an estimated construction and total project cost; and

WHEREAS, construction of the sewer improvements has been completed, final costs have been determined, and the City Engineer's Report has been revised to include the final costs as required by TMC 13.09.105 (1); and

WHEREAS, the property owners within the district have been notified of an informational hearing in accordance with TMC 13.09.060 and an informational hearing was conducted in accordance with TMC 13.09.105; and

WHEREAS, the City Council has determined that the proposed revisions to the City Engineer's Report, as recommended by the City Engineer, are appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1 The Final City Engineer's Report titled "Sanitary Sewer Reimbursement District No. 33", attached hereto as Exhibit A, is hereby approved.

SECTION 2 The City Engineer's Report as presented in Resolution No. 04-91 is hereby amended by the attached Final City Engineer's Report (Exhibit A).

SECTION 3 The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address.

SECTION 4 This resolution is effective immediately upon passage.

PASSED: This _____ day of _____ 2006.

Mayor - City of Tigard

ATTEST:

City Recorder - City of Tigard

I:\eng\2005-2006 fy cpl\walnut street - phase 3 (by county)\reimbursement district 33-walnut street\city council\finalization\4-25-06 reim dist 33 res.doc

Exhibit A

Final City Engineer's Report Sanitary Sewer Reimbursement District No. 33 (SW Walnut Street)

Background

This project was constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program, the City of Tigard installed public sewers to each lot within the project area. At the time the property owner connects to the sewer, the owner must pay a connection fee, currently \$2,635, and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic systems according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

An existing line in SW Walnut Street was extended east of SW 134th Avenue to serve three lots and west from SW 124th Avenue to serve two lots as shown on Exhibit Map B.

Cost

The final cost for the sanitary sewer construction to provide service to the five lots is \$50,311.06. Engineering and inspection fees amount to \$6,791.99 (13.5%) as defined in TMC 13.09.040(1). The final total project cost is \$57,103.05. This is the amount that should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays is subject to the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay an additional \$2,635 connection and inspection fee when connection to the public line is made. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties are zoned R-4.5 but vary in lot size from 14,000 to 93,000 square feet as can be seen in the following list of lots. Therefore, it is recommended that the total cost of this portion of the project be divided among the five properties proportional to the square footage of each property.

Other reimbursement methods include dividing the cost equally among the owners or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's fair share of the public sewer line is \$0.220591 per square foot of lot served. Each owner's fair share would be limited to \$6,000, to the extent that it does not

exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000. Upon request, payment of costs that exceed \$15,000 may be deferred until the lot is developed as provided by Resolution 03-55 (attached).

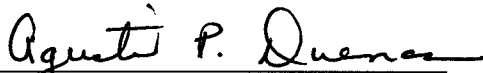
Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted April 11, 2006



Agustin P. Duenas, P.E.
City Engineer

i:\eng\2005-2006 fy cip\walnut street - phase 3 (by county)\reimbursement district 33-walnut street\city council\finalization\4-11-06 reim dist 33 report app a.doc

WALNUT STREET
Reimbursement District No. 33
Cost to Property Owners Based on Final Project Cost
April 18, 2006

	OWNER	SITE ADDRESS	TAX LOT ID	AREA (S.F.)	COST TO PROPERTY OWNER	* PAID BY OWNER	PAID BY CITY
1	ZECHMANN, BARBARA JUNE & LEARY, DAVID L & KATHLEEN J	13320 SW WALNUT	2S104AC10900	92561.8754	\$20,418	\$11,418	\$9,000
2	J & S CONCRETE	13280 SW WALNUT	2S104AC00200	93389.39123	\$20,601	\$11,601	\$9,000
3	WEINANDY, MICHAEL C & DONAHUE, MARY	13300 SW WALNUT	2S104AC10800	44903.06836	\$9,905	\$6,000	\$3,905
4	TRIGG, CHARLES L	12570 SW WALNUT	2S104AD04000	13790.93808	\$3,042	\$3,042	\$0
5	CARLTON, MARK M & DEMELLO, BRENDA	12600 SW WALNUT	2S104AD03900	14218.40744	\$3,136	\$3,136	\$0
Totals				258864	\$57,103	\$35,198	\$21,905

* If connections are made in accordance with the incentive program.

WALNUT STREET
Reimbursement District No. 33
Cost to Property Owners Based on Final Project Cost
Summary
March 13, 2006

Final Construction Cost	\$50,311.06
13.5% Admin & Engineering	\$6,791.99
total project costs	\$57,103.05
total area to be served (S.F.)	258,864
total cost per S.F. to property owner	\$0.22059093



WALNUT STREET
SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #33
A PORTION OF THE NE 1/4 OF SECTION 4 T2S R1W W.M.

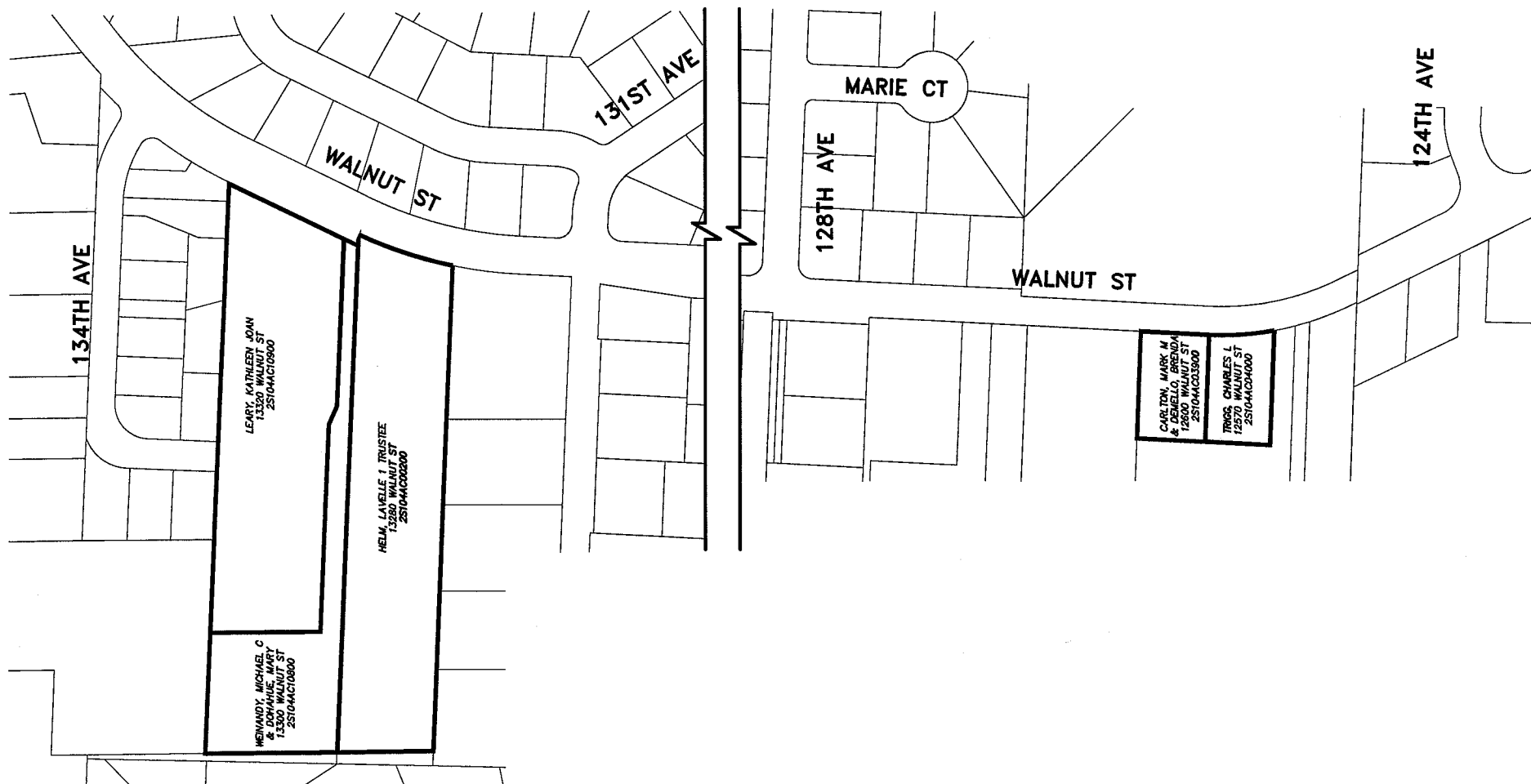


EXHIBIT B

RESOLUTION NO. 04-91

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 33 (SW WALNUT STREET)

WHEREAS, the City has initiated the Neighborhood Sewer Extension Program to extend public sewers and recover costs through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, these property owners have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and

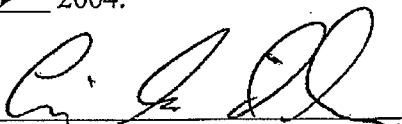
WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the Reimbursement District, the estimated costs, a method for spreading the cost among the parcels within the District, and a recommendation for an annual fee adjustment; and

WHEREAS, the City Council has determined that the formation of a Reimbursement District as recommended by the City Engineer is appropriate.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

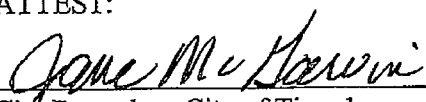
- SECTION 1 The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 33", attached hereto as Exhibit A, is hereby approved.
- SECTION 2 A Reimbursement District is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described on Exhibit B. The District shall be known as "Sanitary Sewer Reimbursement District No. 33, SW Walnut Street."
- SECTION 3 Payment of the reimbursement fee as shown in Exhibit A is a precondition of receiving City permits applicable to development of each parcel within the Reimbursement District as provided for in TMC 13.09.110.
- SECTION 4 An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the Reimbursement Fee.
- SECTION 5 The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.
- SECTION 6 This resolution is effective upon passage.

PASSED: This 23rd day of November 2004.



Mayor - City of Tigard

ATTEST:



City Recorder - City of Tigard
Deputy

RESOLUTION NO. 04-91

Exhibit A

City Engineer's Report Sanitary Sewer Reimbursement District No. 33 (SW Walnut Street)

Background

This project will be constructed and funded under the City of Tigard Neighborhood Sewer Extension Program (NSEP). Under the program the City of Tigard would install public sewers to each lot within the project area. At the time the property owner connects to the sewer, the owner would pay a connection fee, currently \$2,535, and reimburse the City for a fair share of the cost of the public sewer. There is no requirement to connect to the sewer or pay any fee until connection is made. In addition, property owners are responsible for disconnecting their existing septic system according to Washington County rules and for any other modifications necessary to connect to the public sewer.

Project Area - Zone of Benefit

An existing line in SW Walnut Street will be extended east of SW 134th Avenue to serve three lots and west from SW 124th Avenue to serve two lots as shown on Exhibit Map B.

Cost

The estimated cost for the sanitary sewer construction to provide service to the five lots is \$42,036. Engineering and inspection fees amount to \$5,675 (13.5%) as defined in TMC 13.09.040(1). The estimated total project cost is \$47,711. This is the estimated amount that should be reimbursed to the sanitary sewer fund as properties connect to the sewer and pay their fair share of the total amount. However, the actual amount that each property owner pays is subject to the City's incentive program for early connections.

In addition to sharing the cost of the public sewer line, each property owner will be required to pay an additional \$2,535 connection and inspection fee when connection to the public line is made. All owners will be responsible for all plumbing costs required for work done on private property.

Reimbursement Rate

All properties are zoned R-4.5 but vary in lot size from 14,000 to 93,000 square feet as can be seen in the following list of lots. Therefore, it is recommended that the total cost of this portion of the project be divided among the five properties proportional to the square footage of each property.

Other reimbursement methods include dividing the cost equally among the owners or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

Each property owner's estimated fair share of the public sewer line is \$0.184 per square foot of lot served. Each owner's fair share would be limited to \$6,000 to the extent that it does not exceed \$15,000, for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution 01-46 (attached). In addition to paying for the first \$6,000, owners will remain responsible for paying all actual costs that exceed \$15,000. Upon request, payment of costs that exceed \$15,000 may be deferred until the lot is developed as provided by Resolution 03-55 (attached).

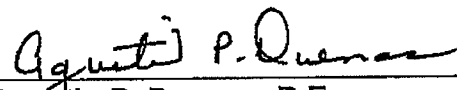
Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's fair share of the sewer line costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in City of Tigard Resolution No. 98-22.

Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in the Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted November 9, 2004



Agustin P. Duenas, P.E.
City Engineer

I:\eng\2004-2005 fy cpl\walnut street - phase 3 (by county)\reimbursement district 33-walnut street\city council\information\11-23-04 re\m dist 33 report app a.doc

WALNUT STREET
Reimbursement District No. 33

Preliminary Cost to Property Owners
November 9, 2004

OWNER	SITE ADDRESS	TAX LOT ID	AREA (S.F.)	ESTIMATED COST TO PROPERTY OWNER	PAID BY OWNER	PAID BY CITY
1 LEARY, KATHLEEN JOAN	13320 SW WALNUT	2S104AC10900	92561.8754	\$17,060	\$8,060	\$9,000
2 HELM, LAVELLE I TRUSTEE	13280 SW WALNUT	2S104AC00200	93389.39123	\$17,212	\$8,212	\$9,000
3 WEINANDY, MICHAEL C & DONAHUE, MARY	13300 SW WALNUT	2S104AC10800	44903.06836	\$8,276	\$6,000	\$2,276
4 TRIGG, CHARLES L	12570 SW WALNUT	2S104AD04000	13790.93808	\$2,542	\$2,542	\$0
5 CARLTON, MARK M & DEMELLO, BRENDA	12600 SW WALNUT	2S104AD03900	14218.40744	\$2,621	\$2,621	\$0
		Totals	258864	\$47,711	\$27,435	\$20,276

WALNUT STREET
Reimbursement District No. 33
*Preliminary Cost to Property Owners
Summary
November 9, 2004*

Estimated Construction Cost	\$36,553
15% contingency (construction)	\$5,483
Estimated construction subtotal	\$42,036
13.5% contingency (Admin & Eng)	\$5,675
total project costs	\$47,711
total area to be served (S.F.)	258,864
total cost per S.F. to property owner	\$0.18430860

WALNUT STREET
 SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #33
 A PORTION OF THE NE 1/4 OF SECTION 4 T2S R1W W.M.

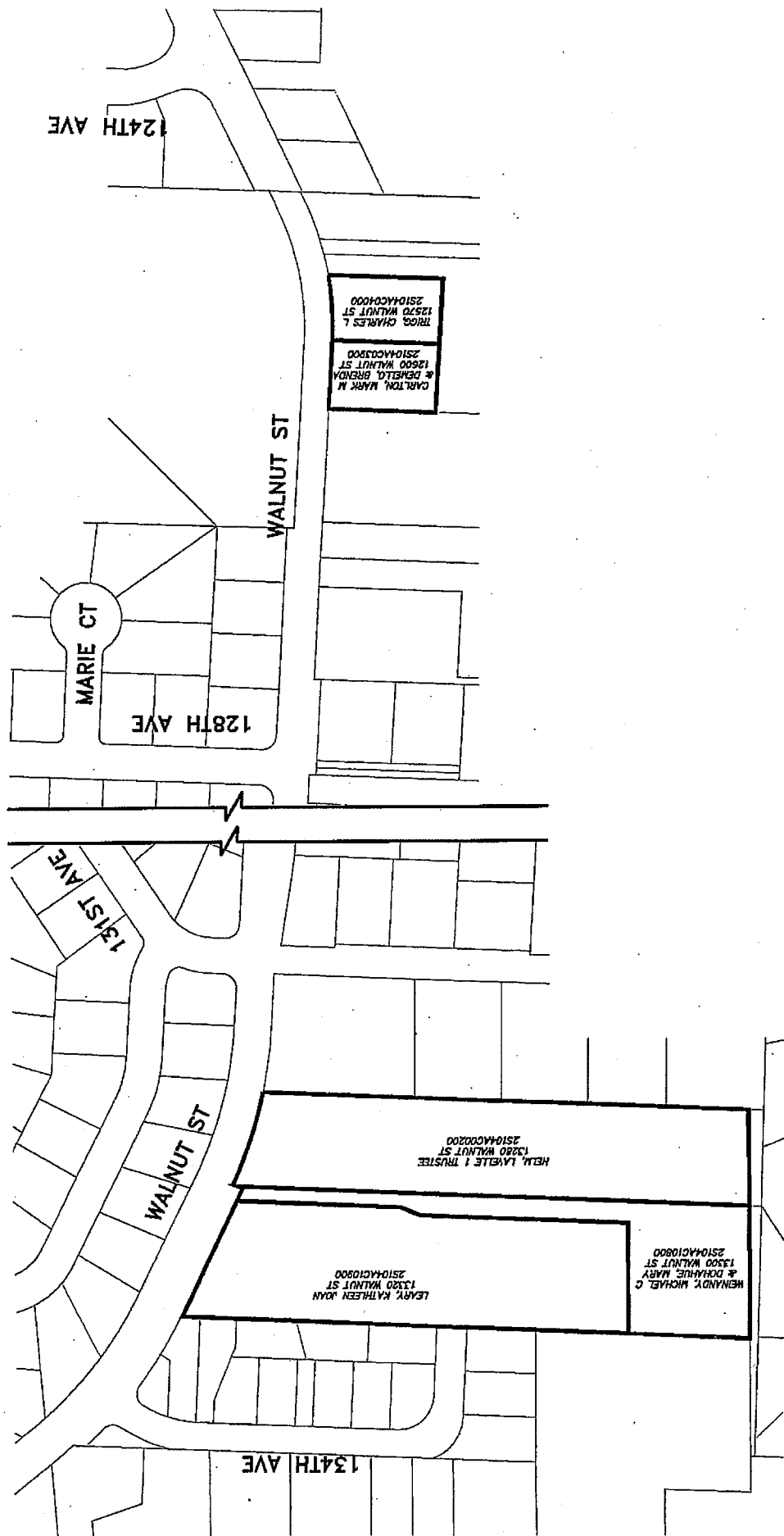


EXHIBIT B

WALNUT STREET
SANITARY SEWER IMPROVEMENTS REIMBURSEMENT DISTRICT #33
A PORTION OF THE NE 1/4 OF SECTION 4 T2S R1W W.M.



VICINITY MAP

Communications Plan

Sanitary Sewer Reimbursement District No. 33 (SW Walnut Street)

Goal: Construction of a Sanitary Sewer Extension for Reimbursement District No. 33.

Timeline: FY 04-05 Construction Season.

Communication Goal: To communicate to property owners within the Sanitary Sewer Reimbursement District, the estimated cost of connecting to the public sanitary sewer line, the construction schedule, and final cost for the Reimbursement District.

Date	Item	Description	Responsibility
3/18/04	General Meeting	Explain Program to Reimbursement District property owners proposed for FY04-05	Engineering Manager
9/9/04	Neighborhood Meeting Notice	Mail Meeting Notice to property owners within the Reimbursement District No. 32	Engineering Clerical Services
	Events Calendar	Post Meeting on Web Page Events Calendar	Engineering Clerical Services
9/22/04	Neighborhood Meeting	Meet with property owners to review estimated costs and construction activity.	Engineering Manager Consultant
11/8/04	Hearing Notice	Mail Notice of formation of Reimbursement District to Property Owners	Engineering Clerical Services
11/23/04	Formation Hearing	City Council reviews and forms proposed Sanitary Sewer District	City Engineer
12/4/04	Notice of Decision	Mail Notice of Decision to property owners within District	Engineering Clerical Services
	Lateral Locations	Confirm with property owners location of laterals	Inspector
	Construction Notice	Hang Construction Notice on doorknobs of property owners impacted by project	Inspector Contractor
	Construction Inspection	Inspector is available to receive and respond to complaints	Inspector
	Notice to property owners of final hearing	Send hearing notice, Resolution, property owner cost to each property owner.	Project Engineer Engineering Clerical Services
	Final Notice	Send approved Resolution with final costs to each property owner	Project Engineer Engineering Clerical Services

Prepared by: G. N. Berry

Approved by: *Agust P. Quenas*

April 10, 2006

Attachment 5

NOTICE
of
PUBLIC HEARING
Tuesday, April 25, 2006
7:30 PM
Tigard Civic Center
Town Hall

The following will be considered by the Tigard City Council on April 25, 2006 at 7:30 PM at the Tigard Civic Center - Town Hall, 13125 SW Hall Blvd., Tigard, Oregon. Both public oral and written testimony is invited. The public hearing on this matter will be conducted as required by Section 13.09.105 of the Tigard Municipal Code. Further information may be obtained from the Engineering Department at 13125 SW Hall Blvd., Tigard, OR 97223, or by calling 503 718-2468.

INFORMATIONAL PUBLIC HEARING:

FINALIZATION OF SANITARY SEWER REIMBURSEMENT DISTRICT NO. 33 (SW Walnut Street). The Tigard City Council will conduct a public hearing to hear testimony on the finalization of Sanitary Sewer Reimbursement District No. 33 formed to install sewers in SW Walnut Street.

Each property owner's recommended fair share of the public sewer line is \$0.220591 per square foot of the lot served as shown on the enclosed list. For owners with a fair share amount of \$15,000 or less, the owner's fair share would be limited to \$6,000 for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution No. 01- 46. In addition to paying for the first \$6,000, owners will remain responsible for paying actual costs that exceed \$15,000. Upon request, payment of costs that exceed \$15,000 may be deferred until the lot is developed as provided by Resolution No. 03-55.

April 10, 2006

NOTICE
of
PUBLIC HEARING
Tuesday, April 25, 2006
7:30 PM
Tigard Civic Center
Town Hall

The following will be considered by the Tigard City Council on April 25, 2006 at 7:30 PM at the Tigard Civic Center - Town Hall, 13125 SW Hall Blvd., Tigard, Oregon. Both public oral and written testimony is invited. The public hearing on this matter will be conducted as required by Section 13.09.105 of the Tigard Municipal Code. Further information may be obtained from the Engineering Department at 13125 SW Hall Blvd., Tigard, OR 97223, or by calling 503 718-2468.

INFORMATIONAL PUBLIC HEARING:

FINALIZATION OF SANITARY SEWER REIMBURSEMENT DISTRICT NO. 33 (SW Walnut Street). The Tigard City Council will conduct a public hearing to hear testimony on the finalization of Sanitary Sewer Reimbursement District No. 33 formed to install sewers in SW Walnut Street.

Each property owner's recommended fair share of the public sewer line is \$0.220591 per square foot of the lot served as shown on the enclosed list. For owners with a fair share amount of \$15,000 or less, the owner's fair share would be limited to \$6,000 for connections completed within three years of City Council approval of the final City Engineer's Report following construction in accordance with Resolution No. 01- 46. In addition to paying for the first \$6,000, owners will remain responsible for paying actual costs that exceed \$15,000. Upon request, payment of costs that exceed \$15,000 may be deferred until the lot is developed as provided by Resolution No. 03-55.

2S104AD-03900

CARLTON MARK M & BRENDA G
12600 SW WALNUT ST
TIGARD, OR 97223

2S104AC-00200

PACIFIC NORTHWEST LAND DEVELOPME
13280 SW WALNUT ST
TIGARD, OR 97223

2S104AD-04000

TRIGG CHARLES L
12570 SW WALNUT
TIGARD, OR 97223

2S104AC-10800

WEINANDY MICHAEL C &
DONAHUE MARY KATHLEEN
13300 SW WALNUT ST
TIGARD, OR 97223

2S104AC-10900

ZECHMANN BARBARA JUNE &
LEARY DAVID L/KATHLEEN J
10020 SW JOHNSON ST
TIGARD, OR 97223

CITY OF TIGARD, OREGON

RESOLUTION NO. 01-46**A RESOLUTION REPEALING RESOLUTION NO. 98-51 AND ESTABLISHING A REVISED AND ENHANCED NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM**

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on October 13, 1998, the City Council established The Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 98-51 to encourage owners to connect to public sewer. The program was offered for a two-year period after which the program would be evaluated for continuation; and

WHEREAS, on September 26, 2000, the City Council extended The Neighborhood Sewer Reimbursement District Incentive Program an additional two years through Resolution No. 00-60; and

WHEREAS, City Council finds that residential areas that remain without sewer service should be provided with service within five years; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners to promptly connect to sewers once service is available and that owners who have paid for service provided by previously established districts of the Neighborhood Sewer Extension Program should receive the benefits of the additional incentives.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

SECTION 1: Resolution No. 98-51 establishing the Neighborhood Sewer Reimbursement District Incentive Program is hereby repealed.

SECTION 2: A revised incentive program is hereby established for the Neighborhood Sewer Extension Program. This incentive program shall apply to sewer connections provided through the sewer reimbursement districts shown on the attached Table 1 or established thereafter. All connections qualifying under this program must be completed within **three years** after Council approval of the final City Engineer's Report following a public hearing conducted in accordance with TMC Section 13.09.105 or by **two years** from the date this resolution is passed, whichever is later, as shown on the attached Table 1.

SECTION 3: To the extent that the reimbursement fee determined in accordance with Section 13.09.040 does not exceed \$15,000, the amount to be reimbursed by an owner of a lot zoned single family residential shall not exceed \$6,000 per connection, provided that the lot owner complies with the provisions of Section 2. Any amount over \$15,000 shall be reimbursed by the owner. This applies only to the reimbursement fee for the sewer installation and not to the connection fee, which is still payable upon application for

RESOLUTION NO. 01-46

sewer connection.

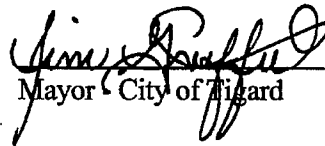
SECTION 4: The City Engineer's Report required by TMC Chapter 13.09 shall apply the provisions of this incentive program. Residential lot owners who do not connect to sewer in accordance with Section 2 shall pay the full reimbursement amount as determined by the final City Engineer's Report.

SECTION 5: Any person who has paid a reimbursement fee in excess of the fee required herein is entitled to reimbursement from the City. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. The Finance Director shall make payment to all persons entitled to the refund no later than August 31, 2001.

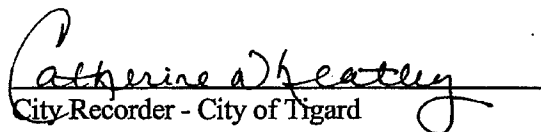
SECTION 6: The Sanitary Sewer Fund, which is the funding source for the Neighborhood Sewer Reimbursement District Program, shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection.

EFFECTIVE DATE: July 10, 2001

PASSED: This 10th day of July 2001.


Mayor, City of Tigard

ATTEST:


City Recorder - City of Tigard

I:\Citywide\Res\Resolution Revising the Neighborhood Sewer Incentive Program

TABLE 1 Reimbursement Districts with Refunds Available			
DISTRICT	FEE PER LOT	REIMBURSEMENT AVAILABLE	INCENTIVE PERIOD ENDS
TIGARD ST.No.8	5,193	No reimbursement available	
FAIRHAVEN ST/WYNo.9	4,506	No reimbursement available	
HILLVIEW ST No.11	8,000		July 11, 2003
106 TH & JOHNSON No.12	5,598	No reimbursement available	
100 TH & INEZ No.13	8,000		July 11,2003
WALNUT & TIEDEMAN No.14	8,000		July 11,2003
BEVELAND&HERMOSA No.15	5,036	No reimbursement available	
DELMONTE No.16	8,000		July 11,2003
O'MARA No.17	8,000		July 11,2003
WALNUT & 121 ST No.18	-	Amount to be reimbursed will be	Throo years from service availability
ROSE VISTA No.20	-	determined once final costs are determined.	

* Currently being constructed

CITY OF TIGARD, OREGON**RESOLUTION NO. 03- 55****A RESOLUTION PROVIDING ADDITIONAL INCENTIVES TO THE NEIGHBORHOOD SEWER REIMBURSEMENT DISTRICT INCENTIVE PROGRAM (RESOLUTION NO. 01 – 46).**

WHEREAS, the City Council has initiated the Neighborhood Sewer Extension Program to extend public sewers through Reimbursement Districts in accordance with TMC Chapter 13.09; and

WHEREAS, on July 10, 2001, the City Council established the Revised and Enhanced Neighborhood Sewer Reimbursement District Incentive Program through Resolution No. 01-46 to encourage owners to connect to public sewer within three-years following construction of sewers; and

WHEREAS, Council has directed that additional incentives should be made available to encourage owners of large lots to promptly connect to sewers once service is available.

NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

- SECTION 1:** In addition to the incentives provided by Resolution No. 01-46, any person whose reimbursement fee exceeds \$15,000 and wishes to connect a single family home or duplex to a sewer constructed through a reimbursement district may defer payment of the portion of the reimbursement fee that exceeds \$15,000, as required by Section 3 of Resolution No. 01-46, until the lot is partitioned or otherwise developed in accordance with a land use permit. The land use permit shall not be issued until payment of the deferred amount is made. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payment of this deferred amount.
- SECTION 2:** Lots that qualify under Section 1, within reimbursement districts that have exceeded the three-year period for connection, and have not connected to sewer can connect the existing structure, pay a reimbursement fee of \$6,000, and defer payment of the portion of the reimbursement fee that exceeds \$15,000 if connection to the sewer is completed within one year after the effective date of this resolution.
- SECTION 3:** Vacant lots improved with a single family home or duplex during the term of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, pay \$6,000 if the fee exceeds that amount, and may defer payment of the portion of the reimbursement fee that exceeds \$15,000 as provided by Section 1.
- SECTION 4:** Vacant lots that are partitioned, subdivided, or otherwise developed during the life of the reimbursement district shall qualify for the provisions of Resolution No. 01-46, shall pay a reimbursement fee of \$6,000, and shall pay any amount due over \$15,000 at the time of development. The Annual Fee Adjustment required by TMC Section 13.09.115 shall not apply to payments made under this section.
- SECTION 5:** The owner of any lot for which deferred payment is requested must enter into an agreement with the City, on a form prepared by the City Engineer, acknowledging the


owner's and owner's successors obligation to pay the deferred amount as described in Section 1. The City Recorder shall cause the agreement to be filed in the office of the County Recorder to provide notice to potential purchasers of the lot. The recording will not create a lien. Failure to make such a recording shall not affect the obligation to pay the deferred amount.

SECTION 6: Any person who qualifies under Section 1 and has paid a reimbursement fee for the portion of the reimbursement fee in excess of \$15,000 is entitled to reimbursement for that amount from the City upon request. The amounts to be reimbursed and the persons to be paid shall be determined by the Finance Director and approved by the City Manager. There shall be a full explanation of any circumstances that require payment to any person who is not an original payer. Any person requesting a refund must sign an agreement similar to that described in Section 5 acknowledging the obligation to pay the refunded amount upon partitioning or developing the lot.

SECTION 7: The Sanitary Sewer Fund continues to remain the funding source for the Neighborhood Sewer Reimbursement District Program and shall provide the funding for the installation costs over \$6,000 up to a maximum of \$15,000 per connection and for any deferred payment permitted by this resolution.

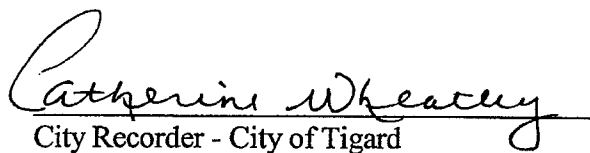
SECTION 8: This resolution is effective immediately upon passage.

PASSED: This 14th day of October 2003.



~~Mayor - City of Tigard~~
Craig E. Dirksen, Council President

ATTEST:



Catherine Wheatey
City Recorder - City of Tigard

k:\eng\reg\reimbursement districts\revisions res 01-46 aug 28 03\oct 14 03 council\10-14-03 addition to res 1-46 res.doc